File No. 294

1893.

Collection No.

Mysore Residency

Pros. Serial Nos. 37 — 52.

Subject.

Re Bangalore Municipal Law, 1897.
(Remarks of G of I re Profession Tax
& Excise Taxation — S.R 41)

Previous References.	Later References.

FP—6785&P—(G-1085)—10-3-30—1,00,000.

Office of the Resident in Mysore.

_____ Branch.

Proceedings No. of the month of 190 .

Serial Nos. 37 to 40. of File 294 of 93. ~~of 190~~.

Proceedings number.	Subject and order.	Date of last order.	Previous Proceed	
			Serial or Proceedings numbers and Branch	File or month.
	37. A d/c ✱ 22 12/96 to Mr Woodburn intimating that if the Reg^ns will be got through [illegible] tasting on dry & green cocoanuts, betel leaves & tobacco be enforced &c.			
	38. No. B/B4563 ✱ 19 3/97 from D.A.G. Madras Comm^d. inquiring the present position of the case re the revision of the Muni. Reg^ns for C & M. Stn of Bangalore.			
	39. A d/o ✱ 25 3/97 to Sir Mansfield Clarke intimating that Ref is fully alive to the necessity for Sanitary reforms & that everything will be done to push this important business forward.			
	40. No. 1306 ✱ 27 3/97 to D.A.G. Madras Command intimating that the matter re the revision of the Muni Reg^ns of the C & M. Stn of Bangalore is unsettled as yet.			

Office of the Resident in Mysore.

_____ Branch.

Proceedings No. of the month of 190

Serial Nos. 41 — 52 of File 294 of 1893 of 190 .

Proceedings number.	Subject and order.	Date of last order.	Previous Proceeding	
			Serial or Proceedings numbers and Branch	File or month.
	41. No. 2231. J/A ₹ 12/6/97 from India Foreign forg a copy of Bangalore Municipal Law, as approved by the Governor-General in Council for 1897 for information.			
	42. A dlo ₹ 1/7/97 to Mr Slight asking send without any delay such information as regards Munl finances & requirements of the Stn as you may be able to acquire, to enable the Resdt to submit a report on the subject to the Govt of I			
	43. A dlo ₹ 1/7/97 from Mr Slight intimating that the necessary ~~information~~ Statement re the ~~regulations~~ finances of the C & M Stn very soon but the ~~Statement~~ information will not be satisfactory			
	44. A dlo ₹ 16/7/97 to Mr Slight intimating to give the present income, & fixed & oblig etc, expenditure & shew generally what matters are			
	45. A dlo ₹ 21/7/97 from Mr Slight asking whether "Lighting Rate" be levied along with "House Rate" & intimating that if "Lighting Rate" be excluded it means a loss of Rs 10000 for the year.			
	46. No. 2248 ₹ 28/7/97 to Presidt, Munl Comn, C & M Stn forg a copy of the Bangalore Munl law, as finally affirmed by the Governor-General in Council for 1897.			
	47. A dlo ₹ 31/7/97 to Mr A. M. Slight informing that "Light Tax" shd not be levied, as said, under the New law but be merged in future in the tax on buildings and Lands.			
	48 - - - Placed in File No. 183/97.			
	49. A dlo ₹ 21/7/97 from A. M. Slight Esq I.C.S., sending a note on the resources & liabilities of the C & M. Station Municipality.			
	50. No. 2983 ₹ 28/8/97 from Presidt, Munl Comn C & M Stn requesting to supply 30 copies of this office No. 3078 ₹ 28th ultimo to furnish each Commissioner & heads of Branch Offices with a copy.			
	51. No. 3459 ₹ 17/8/97 to Presidt, Munl Com C & M Stn forg 20 copies of the above pointing out the more important changes in the Bangalore Law, 1897 as requested above.			
	52. No. 3475 ₹ 21/8/97 a Notification exempting all military officers & soldiers in the C & M. Stn from payment of any tax to the Munl Comn on account of [illegible]			

RESIDENT'S OFFICE.

Office Note.

FILE No. 294 OF 1893.

1. In para 2 of P.C. No. 41 the Foreign Dept. observed that it would be advisable to formally ratify the exemption of military officers or soldiers employed on military duty in the Colonies including ladies of the Indian Nursing Association from profession tax pending the total abolition of the tax. In para 3, a full ~~report~~ account of the municipal taxation & resources & the requirements of the stations was called for.

2. The President was addressed on the subject. With his d.o. letter of the 21st July 1893, Mr. Sleight furnishes a note on the resources & liabilities of the municipality based on data which are stated to be largely hypothetical. In this note, Mr. Sleight suggests that a sum of Rs 1,00,000 per annum will be required over & above the municipal Resources. The draft notification called for has also been sent: it does not seem to provide for the exemption of the ladies of the Nursing Association.

Submitted

D. 42

4-8-93

3. I have not had time to go into this before.
The draft notifn sent up by Mr Slight may issue. I would alter "in Militairy duty" to "on Militairy duty" see para 2 of S. 41
In view of para 12 of S. 46 we need say nothing in the notifn about Ladies of Nursing Assocn?

The note on finances of Municn will be taken up urgently on receipt of orders on preceding para.

KSE
17-8

Regn
5. I do not understand that Officers and Soldiers practise Arts. or carry on trade & have amended the draft accordingly.
Please ask the Govt Regs whether he considers that the draft order as amended sufficiently meets the contention that Govt direct attention. If no alteration is required please issue

RJC
19.8.97 KSE 19-8.

(Continuation of Note or Precis).

6. The draft notifn. as amended seems to sufficiently mark the case of military officers and soldiers employed on military duty. In para: 2 of Sl. 41. the Govt. of India say that these classes are held to include ladies of the Sudan Nursing Association and the same was communicated to the Govt. of Bombay, Local Govt., at para: 12 of Sl. 46. There can be no doubt that it is the intention of the Govt. of India that these ladies should be exempted from profession tax; but can the words "military officers or soldiers employed on military duty" be interpreted to include Nursing Sisters? In order to avoid the possibility of any doubt being raised on this point it is submitted that the draft notifn. may be amended and the meaning made clear by adding a sentence to the following effect:— "Ladies of

the Indian Nursing Association" are also exempted from the payment of any tax to the Income Tax Comm^rs on account of their profession as Nursing Sisters" If the intention is to exempt only such of the Sisters as are employed in Military hospitals and not all of them the words "in Military hospitals" may be added.

It is true that at para: 12 of S^l. No. 46 the President was informed that the Nursing Sisters also come under the exemption; but if a formal notification is required in the case of military officers and soldiers the exemption of nursing sisters also should be declared in a Notification unless the words "military officers or soldiers employed on military duty" are understood as including such sisters. It is desirable that a notification should be self sufficient and clear in meaning without the help of extraneous references

19.8.97.

submitted for orders. It may be necessary, not withstanding the definite instructions in S 4 (2), to specially mention Ladies of the I.N.A. in our notification. It is possible (2) that in face of these instructions, these ladies will be taxed. If any addition to the draft is necessary I would add " Ladies of the I.N.A are also exempted from the payment of any tax to the Municipal Commission on account of their profession as such in Military Hospitals". I don't know that the words " Nursing Sisters" are correct or ordinarily used.

(Initl) K.B.C. 20/8.

Rest.

The addition I have suggested will probably meet the requirements of the case.

(Initl) D.R. 21.8.

Initl K.B.C. 21.8

After issue re-submit

(Initl) K.B.C. 21/8.

Notification issued Serial No. 52.

File resubmitted for favour of orders.

Initl.

A.J.

23/8/97.

NOTES AND PRECIS.

S, 6.—R. P. B.—8-1911.—1,500.

RESIDENT'S OFFICE.

Serial No. 37

File No.

D/c [DRAFT]. ~~For approval.~~

No.

Dated 22. Nov. 1896.

To

My dear Woodburn.

As arranged I note the outcome of our talk about the Bangalore C. I & M. Station Draft Municipal Regulations.

You were good enough to say that you would support me in asking that nothing shall be done which will suddenly deprive us of our revenue income of Rs. 42000/

Also that you would be willing for your part to accept my assurance about the profession tax and not demand its immediate abandonment.

Thirdly that you would not object to the licensing and search for octroi purposes of premises for sale of the articles mentioned in Sec. 62 2 of

of the existing Regulation viz

Dry and green Cocoanuts
Betel leaves
Tobacco.

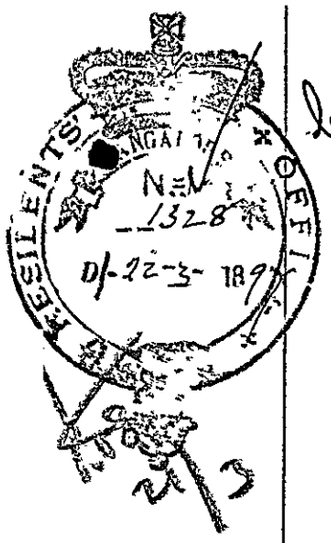
in respect of which the Municipal Commission already has the power and has exercised it, of licensing and search.

I think the Regulation will be got through, if these lines are adopted I explained my view to be that if the passing of the Regulation is made dependent on or preceding on System of taxation its introduction will be indefinitely postponed - and we must need the new Regulation for working purposes.

Yr. very sincerely.

Sdg. W. M. Treacy.

Hon: J. Woodburn. C.S.I.
Member of Viceroy's Council



Enclosures.

Sanitary
Cantonment Regulations.

No. B
B.4563

Ootacamund,
19th March 1896.

From

The DEPUTY ADJUTANT GENERAL, MADRAS COMMAND,

To The First Assistant —
to the Resident in Mysore,
Bangalore

Sir,

With reference to the Resident's
20 letter No. 1709, dated 8th May 1896, to the
Government of India, I am desired to enquire
the present position of the case regarding the
revision of the municipal regulations for
the Civil and military Station of Bangalore.

I have the honor to be
Sir
Your Obedient Servant,

S. Stevenson Lt. Colonel,
Asst. Quarter Master General,
for Deputy Adjutant General.

DAV

Ele

C.R. 500.
13 4-6-96.

RESIDENT'S OFFICE.

Serial No.

File No.

[DRAFT].—For approval.

~~No.~~

Dated 25. Mar. 1897. To Copy of 19.0

Bangalore
~~September 25th 1896~~

Dear Sir Mansfield Clarke,

An official reply is going to Colonel Neville's enquiry asking for information as to the present position of the case regarding the revision of the Bangalore municipal Regulations.

The Govt: of India, in September last, whilst generally approving the draft which Mr. Mackworth Young had submitted in May, took exception to some of its provisions, notably those which continued to assign to the municipality Revenues which in principle should go to the Supreme Govt: My predecessor wrote very earnestly, in November, pointing out that to deprive us of approximately 44,000/- per annum - on grounds more or less theoretical - in the attempt-

to change the established practice here so as to bring it into line with that prevailing elsewhere would probably result in bringing the municipality to the verge of bankruptcy.

In demanding that we shall surrender what we at present receive from (1) Excise and (2) the Profession Tax, on civilians, the Financial department is I believe blocking further progress at present. moreover, owing to Famine and Plague, all departments of the G. of India at Calcutta have been so pushed that other work has necessarily suffered. The yearly move to Simla has, however, now commenced, and as soon as the Foreign dept. have had time to settle down I will write to the Secretary, Cunningham, and remind him of the urgency of the case. He knows our requirements

and

and will I feel sure help if he can, unfortunately a matter of this sort has to be dealt with by two or three departments and delay consequently arises

I am fully alive to the necessity for sanitary reforms here and your Excellency may rest assured that I will do all in my power to push this important business forward.

Yrs sincerely

(Sd) Donald Robertson

D.

H.E. Lt-Gl: Sir W. Mansfield Clarke,
K.C.B.
Oota camund

RESIDENT'S OFFICE.

Serial No. 40

File No.

[DRAFT].—For approval.

No. 1306

Dated 27th Mar 1897.

To

The Dep. Adjutant Genl.

Madras Command

Sir,

Sanitary. Cantonment Regulations

S. 13 / B. 4563 Q.

the 9. Mar: '97.

With reference to your letter marginally cited enquiring what is the present position of the case regarding the revision of the Municipal Regulations of the C & M. Lns. of Bangalore, I am directed to state that the matter is the Resid.t regrets to say as yet unsettled

2. To the draft Regulations originally submitted by Mr. Mackenzie Grant objection was taken by the Govt. of India on some points which are of such importance to the

Efficient administration of the C. & M. Station - In reply Mr. Young submitted a further representation which is still under the consideration of the Govt. of India.

Ramesh.

26/3.

Mr Aiyar

26.3.'97.

No. 2231 I.-A.

FROM

THE SECRETARY TO THE GOVERNMENT OF INDIA,

To

THE RESIDENT IN MYSORE.

FOREIGN DEPT.

SIMLA, *the 12th June 1897.*

SIR,

I am directed to acknowledge the receipt of Mr. Mackworth Young's letters No. 4101 and No. 4106, dated the 13th November 1896, on the subject of the draft Regulation to provide for the better administration of the Civil and Military Station of Bangalore.

2. It has been decided to permit the Municipal Commission to continue, for the present, to levy a profession tax on persons other than military officers or soldiers employed on military duty in the Civil and Military Station. These classes, which are held to include ladies of the Indian Nursing Association, have been exempted from such taxation by the agreement* of February 1897 with the Municipal Commissioners, in part consideration for the water-supply presented to the Civil and Military Station by the Government of India. Section 41 of the new law, therefore, reproduces the original draft under this head, though it will be advisable to formally notify the exemption of these classes under Section 46 (2), pending the total abolition of the profession tax as desired by the Municipal Commission.

* Enclosure to the letter from the Government of India in the Foreign Department, No. 660 I.-A., dated the 18th February 1897.

3. The Government of India have considered Mr. Young's representations on the subject of excise taxation, but adhere to their objection to a Municipal tax upon places where spirituous liquors are sold. Section 41 (1) A (*c*) of the original draft cannot, therefore, be accepted. At the same time, for the reasons adduced by Mr. Young, the Government of India will permit the continuance of the present tax on liquor, as a temporary measure, pending a decision as to the abkari system to be adopted in future in Bangalore: thereafter they will be prepared to grant the Municipal Commission, concurrently with the abolition of the present tax, such subvention from the general revenues of the Assigned Tract as they may from time to time consider to be advisable on an examination of the Municipal finances. Your report † regarding abkari arrangements in Bangalore is under consideration, and I am now to request that a full account of the Municipal taxation and resources and the requirements of the station may be submitted as soon as possible. The new law has been framed on the above understanding. Accordingly, as the present tax is levied "with the approval of the Resident in Mysore and sanction of the Government of India" under Section 34 of the existing law,‡ and as a similar tax could, with the like dual sanction, be imposed under Section 41 (1) B of the new law, the present tax will continue to be leviable without further sanction until abolished under the new Section 45.

† Letter No. 180, dated the 9th May 1897.

‡ Published with the Notification of the Government of India in the Foreign Department, No. 319 I., dated the 9th February 1883.

4. Mr. Young's remarks have not controverted the objections to clauses 69 and 70 of the original draft. But on the understanding that the Municipal Commission recognize the importance of the interests to be protected and are prepared to recast the present scheme of taxation, clause 69 has been incorporated in the new law as Section 67, and the powers sought to be secured by clause 70 have been provided by Section 192.

5. With these remarks I am to forward, for your information, a copy of the Bangalore Municipal Law, 1897, as approved by the Governor-General in Council. You will observe that Mr. Young's suggestion has been accepted with regard to Section 102, and that all doubts as to the property vested in the Commission are removed by Sections 73 and 120. Minor amendments have been introduced into Sections 2, 49, 50 and 143, 53 (1), 136 (5), 137 (1) (*h*) (ii) and 192. In Sections 50 and 143 the expression "officer holding the appointment of District Judge" has been substituted in order to accentuate the principle that the appeals provided for by those sections are executive matters to which the technicalities of judicial procedure are inapplicable. The notices prescribed by Section 53(1) are now subject to the provisions of Section 182. To Section 136 (5) has been added a proviso on the lines of Section 26 of the General Clauses Act, 1897 (X of 1897), while the language of Section 192 has been assimilated to that of Section 83 (1) of the Punjab Municipal Act (XX of 1891). Finally, it has been decided that the designation "Regulation" had better henceforth be restricted to Regulations made under the Government of India Act, 1870 (33 Victoria, Cap. 3), and the title of the present enactment has, therefore, been changed to "the Bangalore Municipal Law, 1897."

I have the honour to be,

SIR,

Your most obedient servant,

J. Cunningham

Secretary to the Government of India.

Foreign Office Press—No. 254—14-6-97—38.

(With 6 spare copies)

Encls: to F. O. Letter No 2231 I.A
dy. Dec 12. June 1897

The wording in draft as forwarded by Mr Young in Nov^r last (S35.A) is given in black ink below.

FOREIGN DEPARTMENT.

NOTIFICATION.

No. 2175-*I. A.*

Simla, the 9th June, 1897.

THE BANGALORE MUNICIPAL LAW, 1897.

Reg^r of 1896.

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A Law to provide for the better management of the municipal affairs of the Civil and Military Station of Bangalore.

Whereas it is expedient to make better provision for the administration of the municipal affairs of the Civil and Military Station of Bangalore; It is hereby ordered as follows:—

CHAPTER I.

PRELIMINARY.

1. (1) This Law may be called the Bangalore Municipal Law, 1897.

Short title, extent and commencement.

(2) It extends to the Civil and Military Station of Bangalore as defined for the time being by notification under this Law; and

(3) It shall come into force at once.

Repealing and saving clauses.

2 (1) The Regulations published with the Notification of the Government of India in the Foreign Department No. 319-I., dated the 9th February, 1883, and amended by subsequent notifications, are hereby repealed, but not so as to affect the validity of any thing done or suffered thereunder, or any right, privilege, obligation or liability acquired, accrued or incurred thereunder, before this Law comes into force.

(2) All Municipal Commissioners and officers of the Municipal Commission of the Civil and Military Station of Bangalore appointed, elected or nominated, and all bye-laws or rules prescribed, limits defined, budgets passed, assessments, valuations, measurements and appointments made, elections held, powers conferred, salaries fixed, notifications published, notices issued, taxes, tolls, rates, cesses and fees imposed or assessed, contracts entered into and suits instituted under any Act or Regulation hitherto in force relating to the matters hereinafter dealt with, shall, so far as may be, be deemed to have been respectively appointed, elected, nominated, prescribed, defined, passed, made, held, conferred, fixed, published, issued, imposed, assessed, entered into and instituted under this Law.

Definitions.

3. In this Law, unless there is anything repugnant in the subject or context,—

(1) "Station" means the Civil and Military Station of Bangalore as defined for the time being by notification under section 4:

(2) "Resident" means the Resident in Mysore:

(3) "Commission" means the Municipal Commission of the Station:

(4) "President," "Vice-President," "Secretary" and "Commissioner" mean, respectively, the President, a Vice-President, the Secretary and any member of the Commission:

(5) "inhabitant" includes any person ordinarily residing or carrying on business, or owning or occupying immoveable property, in the Station:

(6) "owner" includes the person for the time being receiving the rent or profits of lands and buildings or either of them, whether on his own account or as agent or trustee for any person or society or for any religious or charitable purpose, or who would so receive the same if the land or building were let to a tenant:

(7) "street" includes any way, road, lane, square, court, alley, passage or open space, whether a thoroughfare or not, over which the public have a right of way, and also the road-way and foot-way over any public bridge, or causeway:

(8) "explosive"—

(a) means gun-powder, nitroglycerine, dynamite, gun-cotton, blasting powders, fulminate of mercury or of other metals, coloured fires, and every other substance, whether similar to those above mentioned or not, used or manufactured with a view to produce a practical effect by explosion, or a pyrotechnic effect; and

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OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY OR CONVENIENCE.

SECTIONS.

144. Depositing or throwing earth or materials or refuse, rubbish or offensive matter on roads or into drains.
145. Discharging sewage.
146. Failure to remove offensive matter.
147. Making or altering drains without authority.
148. Penalty for making or keeping latrines, etc., near any source of water-supply.
149. Keeping animals so as to be injurious to health.
150. Feeding animals on deleterious substances.
151. Driving vehicles without lamps after dark.
152. Discharging fire arms, etc.
153. Control of elephants or camels.
154. Taking elephants along public roads.
155. Suffering dogs to be at large.
156. Altering, obstructing or encroaching upon streets.
157. Quarrying, blasting, cutting timber or building.
158. Picketing animals and collecting carts.
159. Carrying corpses by prohibited routes or so as to cause annoyance.
160. Destroying direction posts, lamp posts, etc.
161. Penalty for disobedience of orders of Commission under last chapter.
162. Penalty for obstructing or molesting the Commission or persons employed by it.
163. Prosecution to be suspended in certain cases.
164. Disposal of certain imports seized under any bye-law made under section 137.

persons employed by the Commrs in the duty

CHAPTER VII.

PREVENTION AND EXTINCTION OF FIRE.

165. Establishment and maintenance of fire brigade.
166. Power of fire brigade and other persons for suppression of fires.
167. Exercise of powers under section 166 to be subject to rules.

"Power to make rules under this chapter

CHAPTER VIII.

CONTROL.

168. Power of Resident to call for statistics.
169. Power to suspend action of Commission.
170. Extraordinary powers of Resident in case of emergency.
171. Resident may take special measures on outbreak of any dangerous disease.
172. Power to provide for performance of duties in case of default of Commission.
173. Powers of Resident over Commission.
174. Power of Resident to supersede Commission in case of incompetency, persistent default or abuse of powers.
175. Power of Resident to frame forms and make rules.

(*b*) includes fog-signals, fireworks, fuzes, rockets, percussion-caps, detonators, cartridges, ammunition of all descriptions and every adaptation or preparation of an explosive as above defined:

(9) "petroleum" includes also the liquids commonly known by the names of rock oil, Rangoon oil, Burma oil, kerosine, paraffine oil, mineral oil, petroline, gasoline, benzol, benzoline, benzine and any inflammable liquid which is made from petroleum coal, schist, shale, peat or any other bituminous substance, or from any products of petroleum; but it does not include any oil ordinarily used for lubricating purposes and having its flashing point at or above two hundred degrees of Fahrenheit's thermometer:

(10) "notification" means a notification published under this Law in the local official Gazette:

(11) "notified" means published as aforesaid:

(12) "rule" means a rule under this Law: and

(13) "bye-law" means a bye-law made at a special meeting of the Commission under this Law.

Power for the Governor General in Council to define limits of Station.

4. The Governor General in Council may, from time to time, by notification, declare what, for the purposes of this Law, shall be the area and limits of the Station and may, at any time, in like manner, alter such area and limits.

Exclusion of Military buildings or lands from the operation of this Law.

5. Subject to the provisions of the next following section and of section 70, this Law shall not apply to any barracks, hospitals, guard-rooms, barrack-yards, hospital enclosures or other buildings or lands in exclusive possession of the Military authorities for Military purposes, and notified as such by the Governor General in Council.

Exemption of any local area from the operation of this Law, and application thereof to certain local areas.

6. The Governor General in Council may, by notification, exempt any local area, buildings, or lands in the Station from the operation of all or any of the provisions of this Law or of the rules and bye-laws thereunder, and may, in like manner, apply all or any of the said provisions to any of the buildings or lands described in section 5 or to any other local area.

Application of Cantonment Act, etc., to any part of the Station.

7. Notwithstanding any thing contained in this Law, the Governor General in Council may, by notification, apply all or any of the provisions of any Cantonment Act or Regulation or of any rules thereunder to the Station or to any buildings, lands or local area comprised in the Station, and may, in like manner, withdraw the application of any such provisions.

CHAPTER II.

THE COMMISSION.

Municipal constitution.

Municipal Commission.

8. (*1*) The municipal affairs of the Station shall be administered by a body to be styled the Municipal Commission of the Civil and Military Station of Bangalore and consisting of a President and twenty-five other Commissioners.

(*2*) Subject to the provisions of section 16 and of section 19, sub-section (*2*), the Commissioners shall be appointed by the Resident either by name or by office, or shall be elected from among the inhabitants in accordance with rules made under this Law, or shall be partly appointed and partly elected as aforesaid according as the Resident may, by notification, direct:

Provided that,—

(*a*) if the Resident has directed that the elected members shall constitute the whole or any portion of the Commission, he shall not afterwards direct that they shall constitute any smaller proportion thereof except in compliance with the request of a majority of the electors for the time being, or for some reason which the Resident may deem to affect the public interests, and,

(*b*) unless the Governor General in Council otherwise directs, the appointed members who are salaried officers of Government, shall not exceed one-third of the whole Commission.

(*3*) When, under a direction issued under sub-section (*2*), any places on the Commission are required to be filled by election and a sufficient number of Commissioners are not elected to fill such places, the Resident may fill them by appointment.

Term of office of Commissioners.

9. (*1*) If a Commissioner is appointed by office, the person for the time being holding the office shall be Commissioner until the Resident otherwise directs.

(*2*) The term of office for which all other Commissioners shall be appointed or elected, as the case may be, shall be fixed by the Resident by rule, and may be so fixed as to provide for the retirement of Commissioners by rotation, but shall not exceed three years.

(*3*) An outgoing Commissioner may, if otherwise qualified, be re-elected or re-appointed.

Resignation of Commissioner.

10. (*1*) Any Commissioner wishing to resign shall forward his written resignation through the President to the Resident.

(*2*) When the acceptance of such resignation by the Resident has been communicated to the Commission, the Commissioner shall be deemed to have vacated his seat.

Powers of the Resident as to removal of Commissioners.

11. (*1*) The Resident may, by notification, remove any Commissioner,

(*a*) if he refuses to act, or becomes, in the opinion of the Resident, incapable of acting, or has been declared a bankrupt or an insolvent or convicted of any such offence, or subjected by a Criminal Court to any such order, as implies, in the opinion of the Resident, a defect of character which unfits him to be a Commissioner;

(*b*) if he has been declared by notification in any Government Gazette to be disqualified for employment in, or has been dismissed from, the public service;

(*c*) if he has absented himself for more than three consecutive months from the meetings of the Commission;

(*d*) if his continuance in office is, in the opinion of the Resident, dangerous to the public peace or order; or,

(*e*) in the case of a salaried officer of the Government, if his continuance in office is, in the opinion of the Resident, unnecessary or undesirable.

(*2*) A person removed under this section shall be disqualified for election unless and until the Resident otherwise directs.

Filling of casual vacancies.

12. (*1*) Whenever a vacancy occurs by the death, resignation or removal of any elected Commissioner, a new Commissioner shall be elected in accordance with the rules to fill the vacant place:

Provided that the Resident may direct in any such case that the vacancy shall be left unfilled.

(*2*) Upon the death, resignation or removal of any appointed Commissioner, the Resident may, if he thinks fit, appoint a new Commissioner to fill the vacant place.

(*3*) Every person elected or appointed to fill a casual vacancy shall hold his seat for the time for, and subject to the conditions upon, which it was tenable by the person in whose place he has been so elected or appointed, and no longer; but he may, if otherwise qualified, be re-elected or re-appointed.

Notifications of elections, appointments and vacancies.

13. Every election and appointment of a Commissioner, shall be notified by the Resident.

Incorporation of Commission.

14. (*1*) The Commission shall be a body corporate by the name of the Municipal Commission of the Civil and Military Station of Bangalore; it shall have perpetual succession and a common seal, with power to acquire and hold property, both moveable and immoveable, and, subject to the provisions of this Law, to transfer any property held by it and to contract and to do all other things necessary for the purpose of its constitution; and it may sue and be sued in its corporate name.

Commissioner to be Municipal Commissioner within meaning of every enactment in force.

15. Every Commissioner shall be deemed to be a Municipal Commissioner within the meaning of any enactment for the time being in force.

District Magistrate of the Station to be ordinarily the President.

16. (*1*) The office of President shall be held, unless otherwise ordered by the Governor General in Council, by the District Magistrate for the time being of the Station.

The Vice-Presidents.

17. The Commission may, from time to time, elect one or two of the Commissioners to be Vice-President or Vice-Presidents, and every Vice-President so elected shall, if approved by the Resident, hold the office of Vice-President for such term as the Resident may by rule fix:

Provided that, if the Commission, instead of electing a Vice-President, applies to the Resident to nominate a Vice-President from among the Commissioners, or if no election has been made within one month from the occurrence of a vacancy in the office of Vice-President, or if the Resident does not approve the Vice-President elected, the Resident may, if he thinks fit, appoint one of the Commissioners to be a Vice-President for the like term.

Casual vacancies in office of Vice-President.

18. Upon the occurrence of any vacancy in the office of Vice-President, a new Vice-President shall be elected or appointed in the manner provided by section 17.

Officers to be appointed by the Resident, such as a Medical Officer, an Engineer and a Secretary.

19. (*1*) The Resident may appoint from time to time such officers of the Commission as he may think necessary for the due performance of the various duties assigned to it, and may at his pleasure suspend or remove them. Such officers shall receive out of the Municipal Fund such allowances as the Resident, after consulting the Commission, may fix:

Provided that there shall always be a Medical Officer, an Engineer and a Secretary among the officers of the Commission; and that no other salaried officer shall be created by the Resident without the consent of the Commission.

(*2*) The Medical Officer shall be *ex-officio* a Commissioner. The Engineer and the Secretary may be appointed, but shall not be elected, Commissioners.

Other officers to be appointed by the Commission.

20. Subject to the provisions of this Law and any rules thereunder, the Commission may employ, in addition to the officers who may be appointed under section 19, such other officers and servants on salaries, not exceeding in any case three hundred rupees per mensem, as may be necessary or proper for the efficient execution of its duties, and may remove or dismiss any officer or servant so employed.

Pensions.

Pensions and gratuities to officers and servants.

21. (*1*) All officers and servants of the Commission entertained in permanent employment on or after the first day of January, 1892, shall be entitled to pensions or gratuities in accordance with the rules contained in the Civil Service Regulations. Such pensions or gratuities shall be granted by order of the Resident, and shall be paid by the Commission from the Municipal Fund in accordance with such order. For the purpose of meeting such

charges a deduction of five per cent. shall be made from the salaries of all such officers and servants.

(2) The provisions of sub-section (1) shall be extended to officers and servants who entered the service not more than five years before the first day of January, 1892, provided that a deduction of five per cent. shall have been made from the salaries of such officers and servants from the date on which this system came into force, that is to say, from the first day of October, 1892.

(3) The said provisions may also be extended to officers and servants who entered the service of the Commission more than five years, but not more than fifteen years, before the first day of January, 1892, provided that they shall have contributed by deduction from their salaries, with effect from the date on which this system came into force, that is to say, from the first day of October, 1892, ten per cent. of their salaries for the number of years by which their previous service exceeded five years, and afterwards five per cent.

Special pension or gratuity.

22. The Commission may, with the sanction of the Resident, give a gratuity to, or purchase an annuity for, any officer or servant retiring from their service who is not entitled to pension or gratuity under section 21.

Committees.

The Health Committee.

23. (1) The Commission shall appoint from among its members a standing Health Committee to advise and report upon matters relating to sanitation, conservancy, food and water-supply, the registration of vital statistics, vaccination and other matters pertaining to the health of the Station.

(2) The Medical Officer shall be a member and *ex-officio* Chairman of the Health Committee.

Other Committees.

24. The Commission may from time to time appoint from among its members such other Committees consisting of such number of persons as it thinks fit to advise and report on any matters connected with the purposes of this Law other than those mentioned in the last foregoing section.

Delegation of executive powers of Commission.

25. (1) The Commission may, by bye-law, delegate the current executive administration of any of its duties to a Vice-President, Committee or officer of the Commission and may in like manner, resume such administration:

Provided that, when a bye-law has been passed delegating any powers of the Commission as aforesaid, it shall not be rescinded except on a vote of a majority of all the Commissioners.

(2) In all matters of which the executive administration has not been delegated as aforesaid, it shall vest in the President.

Conduct of business.

Time for holding meetings.

26 (1) The Commission shall meet for the transaction of business at least once in every month at such time as may, from time to time, be fixed by bye-law.

(2) The President, or, in his absence, a Vice-President, may, whenever he thinks fit, and shall, on a requisition made in writing by not less than one-fifth of the Commissioners, convene either an ordinary or a special meeting at any other time.

Ordinary and special meetings.

27. (1) Every meeting of the Commission shall be either ordinary or special.

(2) Any business may be transacted at an ordinary meeting unless required by this Law or the rules to be transacted at a special meeting.

Quorum.

28. (1) The quorum necessary for the transaction of business at a special meeting of the Commission shall be one-half of the Commission.

(2) The quorum necessary for the transaction of business at an ordinary meeting of the Commission shall be such number or proportion of the Commissioners as may, from time to time, be fixed by bye-law, but shall not be less than six:

Provided that, if at any ordinary or special meeting of the Commission a quorum is not present, the chairman shall adjourn the meeting to such other day as he may think fit, and the business which would have been brought before the original meeting if there had been a quorum present, shall be brought before, and transacted at, the adjourned meeting, whether there is a quorum present thereat or not.

Chairman of meeting.

29. At every meeting of the Commission the President, or, in his absence or during the vacancy of his office, the senior Vice-President present, and if there be no President or Vice-President present, then such one of their number as the Commissioners present may elect, shall preside as chairman.

Vote of majority decisive.

30. Subject to the provisions of this Law and of any rules thereunder, all questions which come before any meeting of the Commission, shall be decided by a majority of the votes of the Commissioners present, the chairman of the meeting, in case of an equality of votes, having a second or casting vote.

Record and publication of proceedings.

31. (1) Minutes of the proceedings at each meeting of the Commission shall be drawn up and recorded in a book to be kept for the purpose, shall be signed by the chairman of the meeting, shall be published in such manner as the Resident may direct, and shall, at all reasonable times and without charge, be open to inspection by any inhabitant.

(2) A copy of every resolution passed at any meeting of the Commission shall, within three days from the date of the meeting, be forwarded to the Resident.

Bye-laws.

32. (1) The Commission may, from time to time, make bye-laws, consistent with this Law and with any rules thereunder, as to—

(a) the time and place of its meetings;

(*b*) the manner in which notice of ordinary and special meetings and adjourned meetings shall be given;

(*c*) The quorum necessary for the transaction of business at ordinary meetings;

(*d*) the conduct of proceedings at meetings and the adjournment of meetings;

(*e*) the custody of the common seal and the purposes for which it shall be used;

(*f*) the person or persons to be primarily responsible for the current executive administration and his or their powers; that is to say, what portion of the executive authority shall be exercised by the President, by a Vice-President, by Committees and by officers of the Commission;

(*g*) the persons by whom receipts shall be granted on behalf of the Commission for money received under this Law;

(*h*) the appointment, duties, leave, suspension and removal of its officers and servants; and

(*i*) all other similar matters.

(*2*) No bye-law made under clause (*c*) or clause (*f*) of sub-section (*1*) shall take effect until it has been approved by the Resident.

(*3*) Every bye-law made under this section shall be published in such manner as the Resident may direct.

Extraordinary powers of President and Vice-President in case of emergency.

33. In case of emergency the President, or, in his absence or during any vacancy in his office, the Vice-President, may direct the execution of any work or the doing of any act which the Commission is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing such work or doing such act shall be paid from the Municipal Fund:

Provided that—

(*a*) he shall not act under this section in contravention of any order of the Commission; and

(*b*) every direction given under this section shall be reported to the next following meeting of the Commission.

Defects in constitution and irregularities.

Vacancies and irregularities not to invalidate proceedings.

34. No act done or proceeding taken under this Law shall be questioned on the ground merely of the existence of any vacancy in the Commission or on account of any defect or irregularity not affecting the merits of the case.

Contracts.

Authority to contract.

35. (*1*) The Commission may, subject to the provisions of this Law, delegate to one or more of the Commissioners the power of entering on its behalf into any particular contract whereof the value or amount does not exceed five hundred rupees, or into any class of such contracts.

(*2*) No contract by or on behalf of the Commission whereof the value or amount exceeds five hundred rupees, shall be entered into until it has been sanctioned at a meeting of the Commission.

Mode of executing contract and transfers of property.

36. (*1*) Every contract made by or on behalf of the Commission whereof the value or amount exceeds one hundred rupees shall be in writing, and shall be signed by the President, or a Vice-President, and by one other Commissioner, and countersigned by the Secretary:

Provided that, when the power of entering into any contract on behalf of the Commission has been delegated under the last foregoing section, the signature or signatures of the Commissioner or Commissioners to whom the power has been delegated, shall be sufficient.

(*2*) Every transfer of immoveable property belonging to the Commission must be made by an instrument in writing, executed by the President, or Vice-President, and at least two other Commissioners, whose execution thereof shall be attested by the Secretary.

(*3*) No contract or transfer of the description mentioned in this section executed otherwise than in conformity with the provisions of this section shall be binding on the Commission.

Penalty on Commissioner, officer or servant being interested in contract made with the Commission.

37. (*1*) If any Commissioner or any officer or servant of the Commission is, without the permission in writing of the Resident, directly or indirectly interested in any contract made with the Commission, he shall be deemed to have committed an offence punishable under section 168 of the Indian Penal Code, as applied to the Station. XLV of 1860.

(*2*) No Commissioner or officer or servant of the Commission shall, by reason only of his being a shareholder in, or a member of, any incorporated or registered company, be deemed to be interested in any contract entered into between such company and the Commission; but no such person as aforesaid shall take part in any proceedings of the Commission relating to any such contract.

Privileges and liabilities.

Suits against the Commission and its officers.

38. No suit shall be instituted against the Commission or against any officer or servant of the Commission in respect of any act purporting to be done in its or his official capacity, until the expiration of one month next after notice in writing has been, in the case of the Commission, delivered or left at its office, and, in the case of an officer or servant, delivered to him or left at his office or place of abode, stating the cause of action, and the name and place of abode of the intending plaintiff; and the plaint shall contain a statement that such notice has been so delivered or left:

Provided that nothing in this section shall apply to any suit instituted under section 54 of the Specific Relief Act, 1877, as applied to the Station. I of 18

Liability of Commissioners.

39. Every person shall be liable for the loss, waste or misapplication of any money or other property belonging to the Commission, if such loss, waste or misapplication is a direct consequence of his neglect or misconduct while a Commissioner; and a suit for compensation for the same may be instituted against him by the Commission with the sanction of the Resident, or by the Secretary of State for India in Council, in such Court as the Resident may direct.

Acquisition of land.

Acquisition of land.

40. Where any land within the limits of the Station is required for the purposes of this Law, the Resident may, at the request of the Commission, proceed to acquire it under the provisions of the Land Acquisition Act, 1894, as applied to the Station, and, on payment by the Commission of the compensation awarded under that Act and of any other charges incurred in acquiring it, the land shall vest in the Commission.

of 1894.

CHAPTER III.

TAXATION.

General provisions.

Taxes which may be imposed.

41. (*1*) Subject to any general or special orders which the Governor General in Council may make in this behalf, and to any rules under this Law, the Commission may, from time to time, for the purposes of, and in the manner directed by, this Law, impose in the whole or any part of the Station any of the following taxes and tolls, namely :—

(A) with the previous sanction of the Resident :—

(*a*) a tax on buildings and lands

(i) not exceeding 10 per cent. on the annual value, or

(ii) not exceeding one anna per square yard of the ground area, or

(iii) not exceeding three rupees per running foot of frontage in streets or bazaars ;

(*b*) a tax on persons practising any profession or art or carrying on any trade or calling in the Station ;

(*c*) a tax on all or any vehicles, animals used for riding, driving, draught or burden, and dogs, when the vehicles, animals used as aforesaid, and dogs, are kept in the Station ;

(*d*) a toll on vehicles and animals used as aforesaid entering the Station and not liable to taxation under the last foregoing clause ;

(*e*) an octroi on animals or goods or both brought within the octroi limits, for consumption or use therein ; and,

(B) with the previous sanction of the Resident and of the Governor General in Council, any other tax :

Provided that any person may compound for exemption from all tolls leviable in respect of any animal or vehicle under clause (*d*) by paying the tax which would have been leviable in respect thereof under clause (*c*), if the same had been kept in the Station :

Provided, also, that no tax or toll shall be levied in respect of—

(*i*) any buildings, lands, vehicles or animals belonging to the Government of India, the Mysore Government or the Commission ; or

(*ii*) any cavalry horses or horses being chargers of military officers.

(*2*) In this section "annual value" means the gross annual rent for which buildings and lands liable to taxation may reasonably be expected to let, and, in the case of houses, may be expected to let unfurnished :

Provided that, in the case of land assessed to land-revenue or of which the land-revenue has been wholly or in part released, compounded for, redeemed or assigned, the annual value shall, if the Resident so direct, be deemed to be double the amount of the land-revenue for the time being assessed on the land, whether such assessment is leviable or not, or when the land-revenue has been wholly or in part compounded for or redeemed, double the amount which, but for such composition or redemption would have been leviable.

House-scavenging tax.

42. When the Commission has, in exercise of the powers conferred by this Law, undertaken the house-scavenging of any house or building, it may charge the owner or occupier of such house or building, in respect of the house-scavenging done therein with a tax imposed in the manner directed by this Law at such rate as it may think fit.

Water tax.

43. (*1*) Besides the taxes mentioned in the foregoing sections, the Commission, with the previous sanction of the Governor General in Council, may, for the purpose of constructing or maintaining works for the supply of water to the Station or paying the principal or interest of any loan raised for the construction of such works, impose, in the manner directed by this Law, a tax, to be called the water tax, upon buildings or lands which are so situated that their occupiers can benefit by the works.

(*2*) The rate or amount of the water tax imposed on different buildings or lands may be determined with reference, among other considerations, to their distance from the nearest point at which the water is deliverable by the works, and to their level, but in fixing it regard shall be had to the principle that the total net proceeds of the tax, with the estimated income from payments for water supply from the works under special contracts, should not exceed the amount required for the said purposes.

Procedure in imposing taxes.

44. (*1*) The Commission may, at a special meeting, pass a resolution proposing the imposition of any tax under section 41, section 42 or section 43.

(2) When such a resolution has been passed, the Commission shall publish a notice, defining the class of persons or description of property proposed to be taxed, the amount or rate of the tax to be imposed and the system of assessment to be adopted.

(3) Any inhabitant objecting to the proposed tax may, within thirty days from the publication of the said notice, submit his objection in writing to the Commission, and the Commission shall, at a special meeting, take his objection into consideration.

(4) If no such objection is received within the said period of thirty days, or if all such objections, having been considered as aforesaid, are deemed insufficient, the Commission may forward its proposal to the Resident, with the objections (if any) which have been submitted as aforesaid, and its decision thereupon.

(5) The Resident on receiving such proposal may sanction or refuse to sanction the same, or return it to the Commission for further consideration.

(6) When any such proposal which requires the further sanction of the Governor General in Council, has been sanctioned by the Resident, he shall submit the same to the Governor General in Council, with the objections (if any) received through the Commission: and the Governor General in Council may sanction the proposal or refuse to sanction it, or return it to the Resident for further consideration.

(7) When any proposal of the Commission has been sanctioned by the Resident, or by the Resident and the Governor General in Council, as the case may be, the Commission may, at a special meeting, direct the imposition of the tax in accordance with such proposal.

(8) In giving such direction, the Commission shall fix a date on which the tax shall come into force:—

Provided that—

(a) no tax shall come into force until its imposition has been notified:

(b) no tax shall come into force before the expiration of three months from the date of the meeting at which its imposition is directed:

(c) a tax leviable by the year shall come into force on the first day of January or on the first day of April or on the first day of July or on the first day of October in any year, and, if it comes into force on any day other than the first day of April, shall be leviable by the quarter till the first day of April then next ensuing.

(9) A notification of the imposition of a tax under this Law shall be conclusive evidence that the tax has been imposed in accordance with the provisions of this Law.

Power to abolish or reduce tax.

45. The Commission may, by a resolution passed at a special meeting and confirmed by the Resident, abolish or reduce in amount any tax imposed under the foregoing sections.

Power to exempt from taxation.

46. (1) The Commission may exempt, in whole or in part, for any period not exceeding one year, from payment of any such tax any person who by reason of poverty may, in its opinion, be unable to pay the same, and may renew such exemption as often as may be necessary.

(2) The Commission may, by resolution passed at a special meeting and confirmed by the Resident, and the Resident may, by order, exempt in whole or in part from the payment of any such tax any person or class of persons or any property or description of property.

Taxes not invalid for defect of form.

47. No assessment and no charge or demand of any tax made under this Law shall be impeached or affected by reason of any mistake in the name, residence, place of business or occupation of any person liable to pay the tax, or in the description of any property or thing liable to the tax, or of any mistake in the amount of assessment or tax, or by reason of any clerical error or other defect of form; and it shall be enough in any such tax on property, or any assessment of value for the purpose of any such tax, if the property taxed or assessed is so described as to be generally known, and it shall not be necessary to name the owner or occupier thereof.

Taxes when payable.

48. Any tax imposed under this Law and payable periodically shall be payable on such dates and in such instalments (if any) as the Commission may from time to time direct.

Receipts to be given.

49. For all sums paid on account of any tax under this Law a receipt, stating the amount and the tax on account of which it has been paid, shall be given by the person receiving the same, on request by the person making the payment.

Appeals against taxation.

50. (1) An appeal against the assessment or levy of any tax under this Law shall lie to the officer holding the appointment of District Judge unless that officer is himself a Commissioner, when it shall lie to the First Assistant to the Resident or such other officer, not being a Commissioner, as may be empowered by the Resident in this behalf.

(2) The Resident may call for a report of the proceedings in any case in which it appears to him that there has been an illegality or material irregularity in the assessment or levy of any tax under this Law, and may pass such orders thereon as he thinks fit.

(3) In every appeal or revision the costs shall be in the discretion of the officer deciding the appeal or revision.

(4) Costs awarded under this section to the Commission shall be recoverable by the Commission as though they were arrears of a tax due from the appellant.

(5) If the Commission fails to pay any costs awarded to an appellant within ten days after the date of the order for payment thereof, the officer awarding the costs may order the person having the custody of the balance of the Municipal Fund to pay the amount.

Limitation of appeal.

51. (1) No appeal shall lie in respect of a tax on any land or building, unless it is preferred within seven days after the publication of the notice prescribed by section 57 (2) or section 59 or

after the date of any final order under section 58, as the case may be, and no appeal shall lie in respect of any other tax unless it is preferred within seven days from the time when the demand for the tax is made:

Provided that an appeal may be admitted after the expiration of the period prescribed therefor by this section if the appellant satisfies the officer before whom the appeal is preferred, that he had sufficient cause for not presenting the appeal within that period.

(2) No appeal shall be entertained unless the appellant has paid all taxes due under this Law from him to the Commission up to the date of such appeal.

Taxation not to be questioned except under this Law.

52. No objection shall be taken to any valuation or assessment, nor shall the liability of any person to be assessed or taxed be questioned, in any other manner or by any other authority than is provided by this Law.

Duty of furnishing true information regarding liability to Municipal Taxation.

53. (1) The Commission may, by notice, call upon any inhabitant of the Station to furnish such information as may be necessary in order to ascertain whether such inhabitant is liable to pay any tax under this Law.

(2) If any inhabitant so called upon to furnish information omits to furnish it or furnishes information which is untrue, he shall be punishable with fine which may extend to one hundred rupees.

Taxes on immoveable property.

Preparation of assessment-list.

54. (1) The Commission shall cause an assessment-list of all buildings and lands on which any tax is imposed to be prepared containing—

(a) the name of the street or division in which the property is situated;

(b) a designation of the property, either by name or by number, sufficient for its identification;

(c) the names of the owner and occupier, if known;

(d) the annual value, area or length of frontage on which the property is assessed; and

(e) the amount of the tax assessed thereon by the Commission.

(2) For the purpose of preparing the list, the Commission may require the owners or occupiers of the buildings or lands to furnish it with the returns of the measurements and of the rent or annual value.

Publication of notice of assessments.

55. When the assessment list has been completed, the Commission shall give public notice thereof and of the place where the list or a copy thereof may be inspected; and every person claiming to be either the owner or the occupier of property included in the list and any authorized agent of such person, shall be at liberty to inspect the list and to make extracts therefrom without charge.

Public notice of time fixed for revising assessment-list.

56. (1) The Commission shall, at the time of the publication of the assessment-list, give public notice of a time, not less than one month thereafter, when it will proceed to revise the valuation and assessment; and in all cases in which any property is for the first time assessed, or the assessment thereof is increased, it shall also give notice of the fact to the owner or occupier of the property.

(2) All objections to the valuations and assessments shall be made in writing before the time fixed in the notice.

Settlement of list.

57. (1) After the objections (if any) made have been inquired into and the persons making them have been given an opportunity of being heard either in person or by authorized agent, as they may think fit, and the revision of the valuation and assessment has been completed, the amendments made in the assessment-list shall be authenticated by the signatures of not less than two Commissioners, who shall at the same time certify that no valid objection has been made to the valuation and assessment contained in the list, except in the cases in which amendments have been entered therein; and, subject to such amendments as may thereafter be duly made, the tax so assessed shall be deemed to be the tax for the year commencing on the first day of April next ensuing, as also, in the case of a tax then imposed for the first time, for the period between the commencement of the tax and such first day of April.

(2) The list when amended under this section shall be deposited in the Commission's office and shall there be open during office hours to all owners or occupiers of property comprised therein, or the agents of such persons, and a public notice that it is so open shall forthwith be given.

Further amendments of assessment-list.

58. (1) The Commission may at any time amend the assessment-list by inserting the name of any person whose name ought to have been inserted, or by inserting any property which ought to have been inserted, or by altering the assessment on any property which has been erroneously valued or assessed through fraud, accident or mistake, after giving notice to every person interested in the amendment of a time, not less than one month from the date of service of such notice, at which the amendment is to be made.

(2) Any person interested in any such amendment may tender his objection to the Commission in writing before the time fixed in the notice, and shall be given an opportunity of being heard in support of the same in person or by authorized agent, as he may think fit.

New list need not be prepared every year.

59. It shall be in the discretion of the Commission to prepare a new assessment-list every year or to adopt the valuation and assessment contained in the list for any year, with such alterations as may in particular cases be deemed necessary, as the valuation and assessment for the year following, giving the same notice of the valuation and assessment as if a new assessment-list had been prepared.

Remission of tax on un-occupied immoveable property.

60. (*1*) When any property assessed to a tax under section 41, sub-section (*1*), division A, clause (*a*), or under section 43, which is payable by the year or by instalments has remained unoccupied and unproductive of rent throughout the year or the period in respect of which any instalment is payable, the Commission may remit the amount of the tax or of the instalment, as the case may be:

Provided that no such remission shall be granted unless notice in writing of the circumstances under which it is claimed has been given to the Commission within the first month of the period in respect of which it is so claimed.

(*2*) When any such property as aforesaid—

(*a*) has not been occupied or productive of rent for any period of not less than sixty consecutive days, or

(*b*) consists of separate tenements one or more of which has or have not been occupied or productive of rent for any such period as aforesaid, or

(*c*) is wholly or in greater part demolished or destroyed by fire or otherwise,

the Commission may remit such portion (if any) of the tax or instalment as it may think equitable.

(*3*) The burden of proving the facts entitling any person to claim relief under this section shall lie upon him.

(*4*) For the purposes of this section neither the presence of a caretaker nor the mere retention in an otherwise unoccupied dwelling house of the furniture habitually used in it shall constitute occupation of the house.

(*5*) For the purposes of this section a house shall be deemed to be productive of rent if let to a tenant who has a continuing right of occupation thereof, whether it is actually occupied by such tenant or not.

Taxes on immoveable property by whom payable.

61. (*1*) A tax payable under section 41, sub-section (*1*), division (A), clause (*a*), shall be paid by the owner of the property in respect of which it is payable.

(*2*) A tax payable under section 43 shall be paid by the owner or the occupier of the property in respect of which it is payable, according as the Commission shall determine.

Procedure in assessing profession tax.

62. The provisions of sections 54 to 59, both inclusive, shall be applied, as far as may be, to the assessment of any tax levied under section 41, sub-section (*1*), division (A), clause (*b*).

Octroi and tolls.

Power to examine and search for article liable to octroi.

63. (*1*) Every person bringing or receiving within the octroi limits of the Station any article liable to octroi shall, when required by an officer authorized by the Commission in this behalf, and so far as may be necessary for ascertaining the amount of tax chargeable,—

(*a*) permit that officer to inspect, examine, weigh and otherwise deal with the article; and

(*b*) communicate to that officer any information and exhibit to him any bill, invoice or document of a like nature which he may possess relating to the article.

(*2*) If any person bringing or receiving any conveyance or package within the octroi limits of the Station refuses, on the demand of an officer authorized by the Commission in this behalf, to permit such officer to inspect the contents of the conveyance or package for the purpose of ascertaining whether it contains any article liable to octroi, such officer may cause the conveyance or package to be taken without unnecessary delay before any Magistrate or Commissioner, who shall cause the inspection to be made in his presence.

Presentation of bill for octroi.

64. Every officer demanding octroi by the authority of the Commission shall tender to every person introducing or receiving any article on which the tax is claimed, a bill specifying the article taxable, the amount claimed and the rate at which the tax is calculated.

Recovery of octroi and tolls.

65. (*1*) In case of non-payment of any octroi or of any toll on demand, the officer empowered to collect the same may seize any article on which the octroi is payable, or any vehicle or animal on which the toll is chargeable, or any part of the burden carried by such vehicle or animal which is of sufficient value to satisfy the demand.

(*2*) The Commission may cause any property so seized or so much thereof as may be necessary, to be sold by auction to satisfy the demand with the expenses occasioned by the seizure, custody and sale thereof, unless the demand and expenses are in the meantime paid after the lapse of five days from the seizure, and after the issue of a proclamation fixing the time and place of sale:

Provided that, by order of the President or a Vice-President, articles of a perishable nature which could not be kept for five days without serious risk of damage, may be sold after the lapse of such shorter time as he may, having regard to the nature of the articles, think proper.

Penalty for evasion of payment of octroi.

66. If goods passing within the octroi limits of the Station are liable to the payment of octroi, then every person who, with the intention to defraud the Commission, causes or abets the introduction of, or himself introduces or attempts to introduce, within the said octroi limits, any such goods upon which payment of the octroi due on such introduction has neither been made nor tendered, shall be punishable with fine which may extend either to ten times the value of such octroi or to fifty rupees, whichever may be greater.

License for sale of article liable to octroi.

67. (*1*) The Commission may, with the sanction of the Resident, which shall be notified, require any person selling any article liable to octroi to obtain from the Commission a license for that purpose, and to pay therefor such fees as shall from time to time,

with the approval of the Resident, be fixed in that behalf.

(2) After notification of such sanction,—

(i) any person selling or keeping for sale any such article without a license or having in his possession any such article on which octroi has not been paid, shall be liable, on conviction before a Magistrate, to a fine not exceeding rupees one hundred, and to confiscation of all such articles in his possession; and

(ii) any officer of the Commission authorized by the Commission in this behalf, if he has reason to believe that any such article on which octroi has not been paid, is kept or concealed in any premises, may, after obtaining the warrant of a Magistrate, enter and search at any time such premises, and, if he finds any such article on which octroi has not been paid, may seize any such article and arrest any person in possession of the same:

Provided that any article or person so seized or arrested shall be produced before a Magistrate exercising jurisdiction within the Station within twenty-four hours from the time of such seizure or arrest:

Provided also that nothing in this section shall apply to any such articles not exceeding rupees two hundred in value purchased by any person for his private use or sold by auction consequent on the owner dying or quitting the Station:

(iii) the provisions of the Code of Criminal Procedure, 1882, as applied to the Station, shall, so far as may be, apply to all searches and arrests effected under this section.

(3) The Resident may by notification at any time revoke the sanction given by him under sub-section (1), and thereupon a license for the sale of such article as aforesaid shall not be necessary and the other provisions of this section shall in respect of such article cease to have any effect.

CHAPTER IV.

MUNICIPAL FUND AND PROPERTY.

Constitution of Municipal Fund.

68. There shall be formed for the Station a Municipal Fund, and there shall be placed to the credit thereof—

(a) all sums received by, or on behalf of, the Commission under this Law or otherwise;

(b) all fines realised in cases in which prosecutions are instituted under this Law or any rules thereunder or under section 34 of Act V of 1861, as applied to the Station; and

(c) the balance (if any), standing at the credit of the Municipal Fund of the Station at the commencement of this Law.

Application of Municipal Fund.

69. (1) The Commission shall set apart and apply out of the Municipal Fund

(a) first, such sum as may be required for the payment of any amounts falling due on any loan legally contracted by it; and

(b) secondly, such sum as may be required to meet the charges of its own establishment.

(2) Subject to the charges specified in sub-section (1) and to such rules as the Resident may make with respect to the priority to be given to the several duties of the Commission, the Municipal Fund shall be applicable to the payment, in whole or in part, of the charges and expenses incidental to the following matters, namely:—

(a) the construction, maintenance, improvement, cleansing and repair of streets and of public bridges, embankments, drains, latrines, tanks and water-courses;

(b) the watering and lighting of streets or any of them;

(c) the construction, establishment and maintenance of schools, hospitals, dispensaries and other institutions for the promotion of education or the benefit of the public health, and of rest-houses, chattrams, poor-houses, markets, encamping-grounds, pounds and other works of public utility, and the control and administration of public institutions of any of these descriptions;

(d) grants-in-aid to schools, hospitals, dispensaries, poor-houses, leper asylums and other educational or charitable institutions;

(e) the training of teachers and the establishment of scholarships;

(f) the giving of relief and the establishment and maintenance of relief works in time of famine or scarcity;

(g) the supply, storage and preservation from pollution of water for the use of men or animals;

(h) the planting and preservation of trees and plants;

(i) the taking of a census, the registration of births, marriages and deaths, public vaccination and any sanitary measure;

(j) the holding of fairs and industrial exhibitions; and

(k) all other acts and things which are likely to promote the safety, health, welfare or convenience of the inhabitants, or expenditure whereon may be declared by the Commission, with the sanction of the Resident, to be an appropriate charge on the Municipal Fund.

Contribution by military authorities.

70. The Commission may receive from the military authorities such annual contribution (if any) as the Governor General in Council may be pleased from time to time to fix in respect of

all municipal institutions, streets, works, establishments or arrangements maintained, executed, entertained or effected from the Municipal Fund, which contribute to the safety, health, welfare or convenience of the inhabitants of the buildings and lands exempted by section 5 from the operation of this Law.

Where the Municipal Fund shall be lodged.

71. The Municipal Fund shall be lodged with the branch Bank of Madras or such other bank or public treasury as may be hereafter selected by the Commission with the sanction of the Resident.

Investment of same.

72. (*1*) The Commission may, from time to time, with the previous sanction of the Resident, invest any portion of the Municipal Fund in securities of the Government of India or such other securities as the Governor General in Council may approve in this behalf, and may, from time to time, with the like sanction, realize such investments or vary them for others of a like nature.

(*2*) The income resulting from the securities and the proceeds of the sale of the same shall be credited to the Municipal Fund.

Property vested in Commission.

73. Subject to the provisions of sections 5 and 6, all property of the nature hereinafter in this section specified and situated within the Station shall be vested in and belong to the Commission, and shall, with all other property which may become vested in the Commission, be under its direction, management and control, and shall be held and applied by it for the purposes of this Law, that is to say:—

(*a*) all public town-walls, gates, markets, slaughter-houses, manure and night-soil depots, and public buildings of every description which have been constructed or are maintained out of the Municipal Fund;

(*b*) all public streams, tanks, springs, wells and works for the supply, storage and distribution of water for public purposes, and all bridges, buildings, engines, materials and things connected therewith or appertaining thereto, and also any adjacent land (not being private property) appertaining to any public tank or well;

(*c*) all public sewers and drains, and all sewers, drains, culverts and watercourses in, alongside or under any street and all works, materials and things appertaining thereto;

(*d*) all dust dirt, dung, ashes, refuse, animal matter or filth or rubbish of any kind, or dead bodies of animals, collected by the Commission from the streets, houses, privies, sewers, or elsewhere, or deposited in places fixed by the Commission under section 112;

(*e*) all public lamps, lamp-posts and apparatus connected therewith or appertaining thereto;

(*f*) all land or other property transferred to the Commission by the Government or by gift, purchase or otherwise for local public purposes;

(*g*) all streets and the pavements, stones and other materials thereof, and also all trees, erections, materials, implements and things provided for such streets.

Direction, management and control of public institutions.

74. (*1*) The direction, management and control of every public institution maintained out of the Municipal Fund shall vest in the Commission:

Provided that the extent of the independent authority of the Commission in respect of any such institution may be prescribed by the Resident.

(*2*) When any public institution has been placed under the direction, management and control of the Commission, all property, endowments and funds belonging thereto shall be held by the Commission in trust for the purposes to which such property, endowments and funds were lawfully applicable at the time when the institution was so placed.

Transfer to Her Majesty of property vesting in Commission.

75. The Commission may, with the sanction of the Resident, transfer to Her Majesty any property vesting in the Commission under section 73 or section 74, but not so as to affect any trusts or public rights subject to which the property is held.

CHAPTER V.

POWERS FOR SANITARY AND OTHER PURPOSES.

Streets and buildings.

Power to acquire land for building sites adjoining new streets.

76. When any land is required for a new street, or for the improvement of an existing street, the Commission may proceed to acquire, in addition to the land to be occupied by the street, the land necessary for the sites of the buildings to be erected on both sides of the street.

Power to close streets.

77. The Commission may close temporarily any street or any part thereof for the purpose of repairs, or for the purpose of constructing or repairing any sewer, drain, culvert or bridge, or for any other public purpose; and may divert, discontinue or close permanently any street, and sell the land or such part thereof as may not be required for the purposes of this Law.

Power to permit temporary occupation of streets, etc.

78. The Commission may grant permission in writing for the temporary occupation of any street or land vesting in it for the purpose of depositing any building materials or making any temporary excavation therein or erection thereon, subject to such conditions as it may prescribe for the safety or convenience of persons passing by or dwelling or working in the neighbourhood, and may charge fees for such permission, and may at any time in its discretion withdraw any permission granted as aforesaid.

Power to attach brackets for lamps.

79. The Commission may attach to the outside of any building brackets for lamps in such manner as not to occasion any injury thereto or inconvenience.

Names of streets and numbers of buildings.

80. (1) The Commission may cause a name, to be given to any street, and to be affixed on any building in such place as it may think fit, and may also cause a number to be affixed to any building; and in like manner may, from time to time, cause such names and numbers to be altered.

(2) Whoever destroys, pulls down or defaces any such name or number or puts up any different name or number from that put up by order of the Commission, shall be punishable with fine which may extend to twenty rupees.

Roofs and external walls not to be made of inflammable materials.

81. The Commission may direct that within certain limits, to be fixed by it, the roofs and external walls of huts or other buildings shall not be made or renewed of grass, mats, leaves or other highly inflammable material without its written permission; and it may, by notice, require any person who has disobeyed any such direction, to remove or alter the roofs and walls so made or renewed as it may think fit.

Power to regulate line of buildings.

82. (1) If any building or part of a building projects beyond the regular line of a street either existing or determined on for the future, or beyond the front of the building on either side thereof, the Commission may, whenever such building or part has been either entirely or in greater part taken down or burnt down, or has fallen down, by notice, require such building or part, when being rebuilt, to be set back to or towards the said regular line or the front of the adjoining buildings; and the portion of the land added to the street by such setting back or removal shall become part of the street and shall vest in the Commission:

Provided that the Commission shall make full compensation to the owner for any damage he may sustain in consequence of his building or any part thereof being set back.

(2) The Commission may, on such terms as it may think fit, allow any building to be set forward for the improvement of the line of the street.

Notice of new buildings.

83. (1) Whoever intends to erect or re-erect any building shall, if required to do so by any bye-law, give notice in writing in the manner hereinafter prescribed of his intention to the Commission, and the Commission may within six weeks after the receipt of such notice either refuse to sanction the said building or may sanction the said building either absolutely or subject to any written directions which the Commission may deem fit to issue in respect of all or any of the matters following, namely:—

(a) the free passage or way in front of the building;

(b) the space to be left about the building to secure the free circulation of air and facilitate scavenging, and for the prevention of fire;

(c) the ventilation and the provision and position of drains and privies, and the situation of wells;

(d) the level and width of foundation, the level of lowest floor and the stability of the structure; and

(e) the line of frontage with neighbouring buildings, if the building abuts on a street.

The person erecting or re-erecting any such building as aforesaid shall obey all such written directions:

Provided that the Commission shall make full compensation to the owner for any damage which he may sustain in consequence of the prohibition of the re-erection of any building, or of its requiring any land belonging to him to be added to the street.

(2) Every person giving notice to the Commission under sub-section (1) shall, if required to do so by any bye-law, forward along with his notice a plan and specification of the building which he intends to erect or re-erect, together with a site-plan of the land of such character and with such details as the bye-law may require, and no such notice shall be valid until such plans and specification have been supplied.

(3) In any case to which sub-section (2) does not apply, the Commission may, within fifteen days after the receipt of a notice under sub-section (1), require a person who has given such notice to submit within one week of the receipt of the requisition a sufficient plan and specification of the building which he intends to erect or re-erect, together with a site plan of the land, with such reasonable details as the Commission may prescribe in its requisition; and the notice shall not be valid until such plans and specification have been supplied.

(4) If any such building is begun or erected without notice, or without the submission of such plans and specification as aforesaid, or in contravention of any lawful order of the Commission issued within six weeks of receipt of a valid notice under sub-section (1), the Commission may, by notice to be delivered within a reasonable time, require the building to be altered or demolished as it may deem necessary.

(5) If the Commission neglects or omits for six weeks after the receipt of a valid notice under sub-section (1) to make and deliver to the person who has given such notice, any order in respect thereof, it shall be deemed to have sanctioned the proposed building:

Provided that the erection or re-erection be otherwise in accordance with the provisions of this Law.

(6) Every sanction for the erection or re-erection of any building given or deemed to have been given by the Commission shall remain in force for one year from the date on which the notice shall have become valid and complete, and no longer, and, if the building so sanctioned has not been begun by the person who has obtained such sanction, or some one lawfully claiming under him, within such year, it shall not be begun without fresh sanction; but such person as aforesaid may at any subsequent time give fresh notice to the Commission

in the manner hereinbefore prescribed, and thereupon the provisions hereinbefore contained shall apply to such notice.

(7) Nothing in this section shall apply to any buildings erected or to be erected on land owned or occupied by the Government of India.

Power of Commission to make bye-laws as to mode of construction of buildings.

84. (1) The Commission may, by bye-law regulate in respect of the erection or re-erection of any building within the Station—

(a) the materials and method of construction to be used for external and party walls, roofs, floors, doors, fire-places and chimneys;

(b) the position of fire-places, chimneys, drains, privies and wells;

(c) the height and slope of the roof above the uppermost floor upon which human beings are to live or cooking operations are to be carried on;

(d) the number and height of the storeys of which the building may consist;

(e) the means to be provided for egress from the building in case of fire; and

(f) the manner in which notice shall be given to the Commission under section 83, sub-sections (1) and (2):

Provided that the Commission may, by resolution passed at a meeting, dispense with the observance of all or any of the bye-laws made under this section in regard to the erection or re-erection of any building specified in the resolution.

(2) If in and during the erection or re-erection of any building any bye-law under this section is contravened, the Commission may, by notice, to be delivered within a reasonable time, require the building to be altered or demolished within the space of thirty days as it may deem necessary:

Provided that no such notice shall issue in respect of the contravention of any bye-law of which the observance has been dispensed with under the proviso to sub-section (1).

Definition of expression "erect or re-erect any building."

85. The expression "erect or re-erect any building" includes—

(a) any material alteration or enlargement of any building;

(b) the conversion into a place for human habitation of any building not originally constructed for human habitation;

(c) the conversion into more than one place for human habitation of a building originally constructed as one such place;

(d) the conversion of two or more places of human habitation into a greater number of such places;

(e) such alterations of the internal arrangements of a building as effect an alteration of its drainage or sanitary arrangements or affect its security; and

(f) the addition of any rooms, buildings, out-houses or other structures to any building.

Removal of projections and obstructions.

86. (1) It shall not be lawful, without the written permission of the Commission, for the owner or occupier of any building to add to, or place against or in front of, the building any projection or structure over-hanging, projecting into, or encroaching on, any street, or into or on any drain, sewer or aqueduct therein.

(2) The Commission may, by notice, require the owner or occupier of any building to remove or alter any such projection or encroachment as aforesaid:

Provided that, in the case of any projection or encroachment lawfully in existence at the commencement of this Law, the Commission shall make reasonable compensation for any damage caused by the removal or alteration.

(3) The Commission may, by resolution passed at a meeting, give permission to the owners or occupiers of buildings in any particular street to put up open verandahs, balconies or rooms projecting from any upper storey thereof to an extent beyond the line of the plinth or basement wall and at a height from the level of the ground or street, to be specified in the resolution.

Water pipes, privies and drains.

Troughs and pipes for rain water.

87. The Commission may, by notice, require the owner of any building or land adjoining any street to put up and keep in good condition proper troughs and pipes for receiving and carrying the water from the building or land and for discharging the same so as not to inconvenience persons passing along the street.

Provision of drains, privies, etc.

88. (1) The Commission may, by notice, require the owner of any building or land to remove any cess pool or to remove or provide any drain, privy or receptacle for filth, or provide any additional drains, privies or receptacles as aforesaid which should, in its opinion, be provided for the building or land, in such manner as the Commission may direct, or to make to the reasonable satisfaction of the Commission and maintain in good order a drainage connection with any public sewer or drain not situated more than one hundred feet from such building or land as aforesaid;

Provided that such owner shall not be liable for any default in making or maintaining such drainage connection, if the land through which the said drainage connection is required to pass, does not belong to him and he can prove that the default was caused by the act of the owner or occupier of such last-mentioned land.

(2) The Commission may, by notice, require any person employing more than twenty workmen or labourers to provide such latrines and urinals as it may think fit and to cause the same to be kept in proper order and to be daily cleansed.

(3) The Commission may, by notice, require the owner or occupier of any building or land to have any privy provided for the same shut out by a sufficient roof and wall or fence from the

view of persons passing by or dwelling in the neighbourhood, or to remove or alter, as the Commission may direct, any door or trap-door of a privy opening on to any street or drain.

Repair and closing of drains and privies.

89. (*1*) The Commission may, by notice, require the owner or occupier of any building or land to repair, alter or put in good order any drain or privy or to close any drain or privy belonging thereto.

(*2*) The Commission may, by notice, require any person who constructs any new drain or privy without its permission in writing or contrary to its directions or bye-laws or to any of the provisions of this Law, or who constructs, rebuilds or opens any drain or privy which it has ordered to be demolished or stopped up or not to be made, to demolish the drain or privy or to make such alteration therein as it may think fit.

Unauthorized buildings over drains, etc.

90. The Commission may, by notice, require any person who, without its permission in writing, newly erects or rebuilds any building over any sewer, drain, culvert, water-course or pipe vested in the Commission, to pull down or otherwise deal with the same as it may think fit.

Dangerous buildings and places.

Power to require buildings, wells, tanks, etc., to be secured.

91. If any building, or any well, tank, reservoir, pool, depression or excavation is, for want of sufficient repair, protection or enclosure, dangerous to persons passing by or dwelling or working therein or in the neighbourhood, the Commission may, by notice, require the owner or occupier thereof to repair, protect or enclose the same; and if it appears to it to be necessary in order to prevent imminent danger, the Commission shall forthwith take such steps to avert the danger as may, in its opinion, be necessary.

Building, etc., in ruinous or dangerous state.

92. If any building, wall or structure or anything affixed thereto, or any bank or tree, is deemed by the Commission to be in a ruinous state or in any way dangerous, it may, by notice, require the owner or occupier thereof forthwith either to remove the same or to cause such alterations or repairs to be made thereto as it may deem necessary for the public safety; and, if it appears to it to be necessary in order to prevent imminent danger, the Commission shall forthwith take such steps to avert the danger as may, in its opinion, be necessary.

Buildings and lands in unsanitary condition.

Power to require owner to clear away noxious vegetation.

93. The Commission may, by notice, require the owner or occupier of any land to clear away and remove any thick vegetation or under-growth which may appear to it to be injurious to health or offensive to the neighbourhood.

Power to require hedges and trees to be trimmed.

94. The Commission may, by notice, require the owner or occupier of any land to cut or trim within three days the hedges growing thereon and bordering on any street or any branches of trees going thereon which overhang any street and obstruct the same or cause danger thereto, or which so overhang any well, tank or other source from which water is derived for public use as to be likely to pollute the water thereof.

Cleansing of filthy buildings or land.

95. If the owner or occupier of any building or land suffers the same to be in a filthy or unwholesome state, the Commission may, by notice, require him within twenty-four hours to cleanse it or otherwise put it in a proper state.

Power to prohibit use for human habitation of buildings unfit for such use.

96. If any building, or any part of any building, appears to the Commission to be unfit for human habitation in consequence of the want of proper means of drainage or ventilation or for any other sufficient reason, the Commission may, by notice, prohibit the owner or occupier thereof from using the same for human habitation, or suffering it to be so used, until it has been rendered fit for such use to the reasonable satisfaction of the Commission.

Power to require untenanted buildings becoming a nuisance to be secured or enclosed.

97. The Commission may, by notice, require the owner, or part-owner, or person claiming to be the owner or part-owner, of any building or land which, by reason of abandonment or disputed ownership or other cause, has remained untenanted and become a resort of idle and disorderly persons or otherwise a nuisance, to secure or enclose the same within a reasonable time, fixed in the notice.

Cultivation, use of manure or irrigation, injurious to health, after prohibition.

98. (*1*) The Resident may, on the report of the Commission that the cultivation of any description of crop or the use of any kind of manure or the irrigation of land in any specified manner in any place within the limits of the Station is injurious to the health of persons dwelling in the neighbourhood, by notification prohibit the cultivation of such crop, the use of such manure or the use of the method of irrigation so reported to be injurious, or impose such conditions with respect thereto as may prevent the injury:

Provided that, when on any land to which such notification applies, the act prohibited has, in the ordinary course of husbandry, been practised during the five years next preceding the date of the notification, compensation shall be paid from the Municipal Fund to all persons interested therein for any damage caused to them by the effect of such notification.

(*2*) Whoever disobeys any notification issued under sub-section (*1*) shall be punishable with fine which may extend to fifty rupees and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

Sources of water-supply.

Power to require removal of nuisance arising from tanks and the like.

99. The Commission may, by notice, require the owner or occupier of any land or building to cleanse, repair, temporarily close, cover, fill up or drain off any private well, tank, reservoir, pool, depression or excavation therein which may

appear to the Commission to be likely to be injurious to health or offensive to the neighbourhood :

Provided that, if for the purpose of effecting any drainage under this section it should be necessary to acquire any land not belonging to the same owner or to pay compensation to any person, the Commission shall provide such land or pay such compensation.

Removal of latrines, etc., near any source of water-supply.

100. The Commission may, by notice, require any owner or occupier on whose land any drain, latrine, urinal or receptacle for filth or refuse for the time being exists within fifty feet of any spring, well, tank, reservoir or other source from which water is, or may be, derived for public use, to remove or close the same within one week from the date of service of such notice.

Bathing and washing places.

101. The Commission may set apart suitable places for the purpose of bathing, and may specify the times at which, and the sex of the persons by whom, such places may be used, and may also set apart suitable places for the washing of animals or clothes, or for any other purpose connected with the health, cleanliness or comfort of the inhabitants; and may, by public notice, prohibit bathing, or the washing of animals or clothes, in any public place not so set apart, or at times or by persons other than those specified, and any other act by which water in public places may be rendered foul or unfit for use.

Articles of food and drink.

102. The Commission may, by bye-law,—

Power for Commission to regulate manufacture, preparation and sale of food and drink.

(*a*) prohibit the manufacture, production or preparation for sale of any specified articles of food or drink in any premises not licensed by the Commission;

(*b*) regulate the grant and withdrawal of licenses to premises for the manufacture, production or preparation for sale of such specified articles of food or drink;

(*c*) regulate the hours and manner of transport within the Station of any specified articles of food or drink;

(*d*) fix the places in which any specified article of food or drink may be sold or exposed for sale or the places in which it may not be sold or exposed for sale;

(*e*) provide for the inspection and control of any premises or places licensed or fixed under clauses (*b*) and (*d*);

(*f*) prohibit the sale of milk and butter by persons not licensed by the Commission;

(*g*) prohibit the import into the Station for sale of milk and butter by persons not licensed by the Commission; and

(*h*) fix the conditions on which licenses under clauses (*f*) and (*g*) are to be granted and may be revoked:

Provided that no person shall be punishable for breach of any bye-law made under clause (*a*) or clause (*d*) of this section by reason of the continuance of such manufacture, preparation or exposure for sale or sale upon any premises which are at the time of the making of such bye-law used for such purpose, until he has received from the Commission six months' notice to discontinue such manufacture, preparation or exposure for sale or such sale in such premises.

Offensive and dangerous trades.

Regulation of offensive and dangerous trades.

103. (*1*) The owner or occupier of every place within the Station used for any of the following purposes, namely:-

depositing or washing soiled clothes;

boiling paddy;

melting tallow or sulphur;

boiling or storing bones, offal, blood or rags;

washing or drying wool or hair;

as a soap house, camphor or oil boiling house, dyeing house or tannery;

as a brickkiln, pottery or limekiln;

as any other manufactory or place of business from which offensive or unwholesome smells arise;

as a yard or depôt for trade in hay, straw, thatching-grass, wood, coal or other dangerously inflammable material;

as a store-house for any explosive or for petroleum or any inflammable oil or spirit;

shall in April every year or, in the case of a place newly opened, before the opening of the same, apply to the Commission for a license for the use of such place for any of the purposes aforesaid.

(*2*) The license shall not be withheld unless the Commission considers that the business which it is intended to establish or maintain, would be offensive or dangerous to persons residing in, or frequenting, the immediate neighbourhood.

(*3*) The Commission may charge fees, according to a scale to be approved by the Resident, for such licenses, and may impose such conditions in respect thereof as it may think necessary.

(*4*) Whoever, without such a license, uses any such place for any such purpose as aforesaid, shall be punishable with fine which may extend to fifty rupees and with a further fine not exceeding ten rupees for every day during which the offence is continued after he has been convicted of such offence.

Power to prohibit such trades.

104. (*1*) Whenever it is shown to the satisfaction of the Commission that any place licensed under the last foregoing section is a nuisance to the neighbourhood or likely to be dangerous to life, health or property, the Commission may, by notice, require the occupiers thereof to discontinue the use of such place, or to use it in such manner as will, in the opinion of the Commission, render it no longer a nuisance or dangerous.

(*2*) Whoever, after any such notice has been given, uses such place or permits it to be used in such a manner as to be a nuisance to the

neighbourhood or dangerous, shall be punishable with fine which may extend to two hundred rupees and with a further fine not exceeding forty rupees for every day during which the offence is continued after he has been convicted of such offence.

Slaughter-places.

Places for slaughter of animals for sale.

105. (*1*) The Commission may fix places for the slaughter of animals for sale, or of any specified description of such animals, and may grant and withdraw licenses for the use of such places, or, if they belong to the Commission, charge rent or fees for the use of the same.

(*2*) When any such places have been so fixed, no person shall slaughter any such animal for sale at any other place.

(*3*) Whoever slaughters for sale any such animal in contravention of sub-section (*2*), shall be punishable with fine which may extend to twenty rupees.

Places for slaughter of animals not for sale.

106. (*1*) The Commission may, by bye-law, fix places in which the slaughter of animals of any particular kind not for sale shall be permitted, and may prohibit, except in case of necessity, such slaughter elsewhere:

Provided that no such bye-law shall apply to animals slaughtered for any religious purpose.

Burial and burning grounds.

Powers in respect of burial and burning grounds.

107. (*1*) The Commission may, by public notice, order any burial or burning ground which is, in its opinion, dangerous to the health of persons living in the neighbourhood to be closed from a date to be specified in the notice, and shall, in such case, if no suitable place for burial or burning exists within a reasonable distance, provide a fitting place for the purpose.

(*2*) Private burial places in such burial grounds may be excepted from the notice, subject to such conditions as the Commission may impose in this behalf:

Provided that the limits of such burial places are sufficiently defined, and that they shall be used only for the burial of members of the family of the owners thereof.

(*3*) No burial or burning ground, whether public or private, shall be made or formed after the commencement of this Law without the permission in writing of the Commission.

(*4*) Whoever buries or burns or causes or permits to be buried or burnt any corpse in any burial or burning ground made or formed contrary to the provisions of this section, or after the date fixed thereunder for closing the same, shall be punishable with fine which may extend to fifty rupees.

Removal of corpses.

108. The Commission may, by public notice, prescribe routes for the removal of corpses to burial or burning grounds.

Inflammable materials.

Inflammable materials.

109. The Commission may, where it appears to it to be necessary for the prevention of danger to life or property, by public notice, prohibit all persons from stacking or collecting wood, dry grass, straw or other inflammable material, or placing mats or thatched huts or lighting fires in any place or within any limits specified in the notice.

Prohibitions for prevention of fire.

110. The Commission may, by bye-law, prohibit the lighting of fires in the top storey of any building which, by reason of its contiguity to other buildings, might be a source of danger to the latter in the event of a fire breaking out within it, and the walls of which storey do not exceed seven feet in height, or the placing of stands for lamps and candles in any position which the Commission may deem to be dangerous to the public safety.

Prohibition of excessive storage of petroleum.

111. The Commission may, by bye-law, prohibit the storage of more than a fixed maximum quantity of any explosive, petroleum, spirit, naphtha or other inflammable material in any building not licensed under section 103.

General conservancy.

Removal and deposit of offensive matter.

112. The Commission may fix places within the Station for the deposit of refuse, rubbish or offensive matter of any kind or for the disposal of the dead bodies of animals, and may, by public notice, give directions as to the time, manner and conditions at, in and under which such refuse, rubbish or offensive matter or dead bodies of animals may be transported along any street and deposited at or removed from such places.

Special provision with respect to disposal of dead bodies of animals.

113. (*1*) Whenever any animal in the charge of any person dies, otherwise than by slaughter either for sale or for some religious purpose, the person in charge thereof shall within twenty-four hours either—

(*a*) convey the carcase to a place (if any) fixed by the Commission under the last foregoing section for the disposal of the dead bodies of animals, or

(*b*) give notice of the death to the Commission, whereupon the Commission shall cause the carcase to be disposed of.

(*2*) Whoever, being bound to act in accordance with sub-section (*1*), fails so to act, shall be punishable with fine which may extend to ten rupees.

(*3*) In respect of the disposal of the dead body of an animal under clause (*b*) of sub-section (*1*), the Commission may charge such fee as it may, by bye-law, prescribe.

Explanation.—In this section the word "animal" includes all horned cattle, elephants, camels, horses, ponies, asses, mules, deer, sheep, goats, swine and other large animals.

House-scavenging.

Definition of house-scavenging.

114. The removal of filth, rubbish, ordure or other offensive matter from a privy or common receptacle for such matter in, or pertaining to, a house, building or enclosure is called house-scavenging.

Undertaking by Commission of house-scavenging generally.

115. (*1*) The Commission may at any time undertake the house-scavenging of any house, building or enclosure on the application or with the consent of the occupier.

(*2*) The Commission may, by public notice, undertake the house-scavenging of any houses, buildings or enclosures from any date not less than two months after issue of the notice.

(*3*) The occupier of any house, building or enclosure affected by the notice may at any time after the issue thereof apply to the Commission to exclude that house, building or enclosure from the notice.

(*4*) The Commission shall consider and pass orders upon every such application within six weeks of the receipt thereof, and may by any such order exclude such house, building or enclosure from the notice.

(*5*) In deciding whether to exclude any house, building or enclosure from the notice, the Commission shall consider, among other matters, the efficiency of the arrangements for house-scavenging made by the occupier (if any) and the purpose to which he applies the matter dealt with in house-scavenging.

Savings in favour of agriculturists.

116. Notwithstanding anything, in the last foregoing section, the Commission shall not, except in accordance with the provisions of this Chapter, without the consent of the occupier, undertake the house-scavenging of any house, building or enclosure occupied by an agriculturist who himself cultivates land within the Station.

Continuance of house-scavenging once undertaken by Commission.

117. When once the Commission has undertaken the house-scavenging of any house, building or enclosure under this Chapter, it may continue to perform such house-scavenging with or without the consent of the occupier for the time being of such house, building or enclosure.

Obligation of Commission to perform house-scavenging properly.

118. When the Commission has undertaken the house-scavenging of any house, building or enclosure, it shall be bound to perform the same properly until it shall have relieved itself of the obligation by an order under section 115, sub-section (*4*).

Powers of municipal officers and servants for house-scavenging purposes.

119. The officers and servants of the Commission employed in connection with house-scavenging may at all reasonable times do all things necessary for the proper performance of any house-scavenging undertaken by the Commission under this Chapter.

Vesting in Commission of collections from house-scavenging.

120. All matter removed by the servants of the Commission in the course of house-scavenging shall vest in the Commission.

Punishment of agriculturists for negligence.

121. (*1*) If any agriculturist who himself cultivates land within the Station fails to provide for the proper house-scavenging of any house, building or enclosure occupied by him, the Commission may make a complaint in respect of such failure to any Magistrate of the first class.

(*2*) The Magistrate receiving the complaint shall hold an inquiry, and if it appears to him that the agriculturist has not provided for the proper house-scavenging of the house, building or enclosure, he may pass an order empowering the Commission to undertake the same, and thereupon the Commission shall be entitled to undertake such house-scavenging.

(*3*) Every order passed by a Magistrate under sub-section (2) shall be final.

Diseased animals.

Destruction of mad dogs.

122. (*1*) The Commission may, by any person authorized by it in this behalf, destroy or cause to be destroyed, or confine or cause to be confined for such period as the Commission may direct, any dog suffering from rabies or reasonably suspected to be suffering from rabies.

(*2*) No damages shall be payable in respect of any dog destroyed under this section.

Information to be given of anthrax, etc.

123. Every person within whose premises any case of anthrax, glanders, rinderpest or any other such disease affecting horses or cattle occurs, shall give immediate notice of the fact to the Commission and use such sanitary or other precautionary measures as he may, by notice from the Commission, be directed to adopt, to prevent the disease spreading, and, if necessary, shall remove any such animal.

Diseases dangerous to the public health.

124. (*1*) Whoever,—

(*a*) being a medical practitioner or person openly and constantly practising the medical profession in the station and in the course of such practice becoming cognizant of the existence of any disease dangerous to the public health in any dwelling other than a public hospital, or, in default of such medical practitioner or person practising the medical profession,

Information to be given of existence of disease dangerous to the public health.

(*b*) being the owner or occupier of such dwelling, and being cognizant of the existence of such disease, or, in default of such owner or occupier,

(*c*) being the person in charge of or in attendance on any person suffering from such disease in such dwelling, and being cognizant of the existence of the disease therein,

fails to give information, in such manner as the Commission shall by bye-law direct, or gives false information to the Commission, respecting the existence of such disease, shall be punishable with fine which may extend to fifty rupees:

Provided that a person not required to give information in the first instance, but only in

default of some other person, shall not be punishable if it is shown that he had reasonable cause to suppose that the information had been or would be duly given.

(2) In this Chapter, the expression "disease dangerous to the public health" means any disease declared by the Commission, from time to time, by notification with the previous sanction of the Resident, to be such a disease.

Removal to hospital of persons suffering from diseases dangerous to the public health.

125. When any person suffering from any disease dangerous to the public health is—

(*a*) without proper lodging or accommodation, or

(*b*) living in a chattram or other public hostel, or

(*c*) living in a room or house which he neither owns nor pays rent for, or

(*d*) living in premises occupied by members of two or more families,

the Commission may, by any person authorised by it in this behalf, on the advice of any medical officer or rank not inferior to that of an Assistant Surgeon,

remove the patient to any hospital or place at which persons suffering from such disease are received for medical treatment, and may do anything necessary for such removal.

Power to order disinfection and cleansing of buildings.

126. The Commission may, by any person authorized by it in this behalf, by notice, direct all or any part of any building in which there has recently been any person suffering from any disease dangerous to the public health to be forthwith internally or externally lime-washed, or otherwise cleansed or disinfected.

Power to order destruction of infected articles.

127. The Commission may, by any person authorized by it in this behalf, by notice, direct the destruction or disinfection of bedding, clothing or other articles likely to be contaminated by any disease dangerous to the public health:

Provided that compensation shall be paid from the Municipal Fund for the articles so destroyed.

Disinfection of public conveyances contaminated by carrying diseased persons.

128. Every owner or driver of a public conveyance shall provide for the disinfection of the conveyance immediately after it has to his knowledge conveyed any person suffering from any disease dangerous to the public health, and, if he fails to do so, shall be liable to a penalty not exceeding fifty rupees:

Provided that no such owner or driver shall be required to convey any person suffering from any such disease without payment or tender of a sum sufficient to cover the loss and costs which he must under this section incur for the purpose of disinfecting such conveyance, anything in this Law relating to public conveyances for the time being in force to the contrary notwithstanding.

Penalty for letting infected rooms.

129. Whoever lets a house or other building or part of a house or building, in which any person has to his knowledge been suffering from a disease dangerous to the public health, without having such house, or other building or part thereof, and all articles therein liable to retain infection, disinfected to the satisfaction of a medical practitioner, as testified by such officer's certificate, shall be liable to a penalty not exceeding two hundred rupees.

Explanation.—For the purposes of this section a hotel or lodging house-keeper shall be deemed to let part of his house to any person admitted as a guest into his hotel or lodging-house.

Prohibition by Commission of use of unwholesome water.

130. If the Commission considers that the water in any well, tank or other place is likely, if used for drinking, to engender or cause the spread of any disease dangerous to the public health, it may, by public notice, prohibit the removal or use of such water or temporarily close the well.

Powers of entry.

Inspection of drains and privies.

131. (*1*) The Commission may, by any person authorized by it in this behalf, at any time between sunrise and sunset enter into any building or upon any land, and inspect any drains or privies therein or thereon, and may cause the ground to be opened where such person as aforesaid may think fit, for the purpose of preventing or removing any nuisance arising from the drains or privies.

(*2*) If, on such inspection, it appears that the opening of the ground was necessary for the prevention or removal of a nuisance, the expenses thereby incurred shall be paid by the owner or occupier of the land or building; but if it is found that no nuisance exists, or but for such opening would have arisen, the ground or portion of any building, drain or other work (if any) opened, injured or removed for the purpose of such inspection shall be filled in, restored and made good by the Commission.

(*3*) No building other than a latrine shall be entered under this section until six hours' notice in writing has been given to the occupier of the building by the Commission or by the person authorized by the Commission to make the entry.

Power of entry for purpose of preventing spread of disease.

132. The Commission may, by any person authorized by it in this behalf, at any time enter any building in which any disease dangerous to the public health is reputed or suspected to exist, for the purpose of preventing the spread of the same.

Other powers of entry on buildings or land.

133. The Commission may, by any person authorized by it in this behalf, after giving twenty-four hours' notice to the occupier or, if there is no occupier, to the owner of any building or land, at any time between sunrise and sunset—

(*a*) enter on and survey and take levels of any land;

(*b*) enter, inspect and measure any building for the purpose of valuation;

(*c*) enter into any building or on any land for the purpose of examining works under construction, of ascertaining the course of sewers or drains or of executing or repairing any work which it is by this Law empowered to execute or maintain.

Power to enter for discovery of vehicles or animals liable to taxation.

134. The Commission may, by any person authorized by it in this behalf, at any time between sunrise and sunset enter and inspect any stable, coach-house or other place wherein there is reason to believe that there is any vehicle or animal liable to taxation under this Law for which a license has not been duly taken out.

Power to inspect places for sale of food, or drink, etc., and to seize unwholesome articles exposed for sale.

135. The Commission may, by any person authorized by it in this behalf, at all reasonable times enter into and inspect any market, building, shop, stall or place used for the sale of food or drink for man, or for the slaughter of animals or for the sale of drugs and inspect and examine any food or drink, animal or drug which may be therein; and if any article of food or drink or any animal therein appears to be intended for the consumption of man and to be unfit therefor, may seize and remove the same, or may cause it to be destroyed or to be so disposed of as to prevent its being exposed for sale or used for such consumption; and, if it is reasonably suspected that any drug is adulterated in such manner as to lessen its efficacy or to change its operation or to render it noxious, may remove the same, giving a receipt therefor, and may cause the owner thereof to be brought before a Magistrate for inquiry as to whether any offence has been committed in respect thereof, and for orders as to its disposal.

Search for inflammable or explosive material in excess of authorized quantity.

136. (*1*) The Commission may by any person authorized by it in this behalf, at any reasonable time enter upon and inspect any house or building which is suspected to contain petroleum, explosives or other inflammable material, in excess of the quantity permitted to be kept in such house or building under this Law or any rule, bye-law or public notice made or published thereunder.

(*2*) If any excess quantity as aforesaid of such material is discovered, it may be seized and held subject to such orders as a Magistrate may pass with respect to it.

(*3*) If the Magistrate decides that the material seized was stored in the house or building contrary to the provisions of this Law or of any rule, bye-law or public notice made or published thereunder, he shall pass an order confiscating the same.

(*4*) Subject to any general rules for the time being applicable thereto, the material so confiscated may be sold by order of the Magistrate, and the proceeds, after defraying the expenses of such sale, shall be credited to the Municipal Fund.

(*5*) No order of confiscation under this section shall operate to bar any other criminal or civil proceedings to which the person storing the material in excessive quantity may be liable under any other law for the time being in force:

Provided that such person shall not be punished twice for the same offence.

Power to make bye-laws.

Power to make bye-laws.

137. (*1*) The Commission may, by bye-law,—

(*a*) render licenses necessary for the proprietors or drivers of vehicles or animals kept or plying for hire or for profit within the Station, and fix the fees payable for such licenses and the conditions on which they are to be granted and may be revoked;

(*b*) limit the rates which may be demanded for the hire of any carriage, cart or other conveyance, or of any animal hired to carry loads, or for the services of persons hired to carry loads, and the loads to be carried by such conveyances, animals or persons when hired within the Station for a period not exceeding twenty-four hours, or for a service which would ordinarily be performed within twenty-four hours;

(*c*) provide for the proper registration of births, marriages and deaths, and for the taking of a census;

(*d*) fix, and from time to time vary, the number of persons who may occupy a building or part of a building which is let in lodgings or occupied by members of more than one family, and provide—

(i) for the registration and inspection of such building,

(ii) for promoting cleanliness and ventilation in such buildings,

(iii) for the notices to be given and the precautions to be taken in the case of any disease dangerous to the public health breaking out in such buildings, and

(iv) generally for the proper regulation of such buildings;

(*e*) provide—

(i) for the inspection and proper regulation of encamping-grounds, pounds, chattrams, markets, dhobis' ghats, flour-mills and slaughter-houses,

(ii) for keeping in proper repair or preventing the disfigurement of any building or wall adjoining a street,

(iii) for preventing injury to any public property,

(iv) for the holding of fairs and industrial exhibitions within the Station or under the control of the Commission, and for fixing fees to be levied thereat,

(v) for controlling and regulating the use and management of burial and burning grounds, and

(vi) for the supervision and regulation of public wells, tanks, springs or other sources from which water is or may be derived for public use, and of all pipes,

reservoirs, stand-pipes or other works connected with a water-supply;

(*f*) where the collection of an octroi has been sanctioned, fix octroi limits for the purpose of collecting the same, the routes by which articles liable to octroi shall be brought within those limits, and the octroi posts at which they shall be liable to inspection, examination and weighment under section 63, sub-section (*1*) clause (*a*);

(*g*) regulate the exhibition of tables of octroi, the system under which refunds are to be made on account thereof when the animals or goods on which the octroi has been paid are again exported, and the custody or storage of animals or goods declared not to be intended for use or consumption within the Station;

(*h*) require and regulate—

(i) the exhibition of tables showing the rates of tolls chargeable on vehicles and animals entering the Station,

(ii) the appointment by owners of buildings or lands in the Station who are not resident in the Station, of persons residing within or near the Station to act as their agents for all or any of the purposes of this Law or of any rule, bye-law or notice made or issued thereunder;

(*i*) regulate the assessment and collection of any tax imposed under this Law and the fees payable in respect of notices of demand or of distraint;

(*j*) control and regulate the admission within the Station, for the purpose of sale, of the flesh (other than cured or preserved meat) of any cattle, sheep, goat or swine slaughtered at any place not maintained or licensed under this Law;

(*k*) provide for and regulate the destruction or segregation of stray dogs and of horses and cattle suffering from anthrax, glanders, rinderpest or any other such disease; and

(*l*) generally provide for carrying out the objects and purposes of this Law.

(*2*) Bye-laws under clause (*g*) may, among other matters, provide a period of limitation after which no claim for refund of octroi shall be entertained, and also that no such refund shall be made when the amount thereof would be less than one rupee.

Penalty for infringement of bye-law.

138. (*1*) In making any bye-law under this Chapter, the Commission may direct that a breach of it shall be punishable with fine which may extend to fifty rupees, and when the breach is a continuing breach with a further fine which may extend to five rupees for every day after the first during which the breach continues.

(*2*) In lieu of or in addition to such fine or fines as aforesaid, the Magistrate may require the offender to remedy the mischief in so far as lies within his power.

Supplemental.

Confirmation of bye-laws.

139. (*1*) No bye-law under this Chapter shall come into force until it has been confirmed by the Resident and published for such time and in such manner as the Resident may prescribe in this behalf.

(*2*) The Resident may cancel his confirmation of any such bye-law, and thereupon the bye-law shall cease to have effect.

Execution of acts required to be done by any notice.

140. (*1*) When any notice under this Chapter requires any act to be done for which no time is fixed by this Law, it shall fix a reasonable time for doing the same.

(*2*) Whenever it is provided by this Law that any such notice may be given to the owner or occupier of any land or building, and the owner and occupier are different persons, such notice shall be given to the one of them primarily liable to comply with such notice, and in case of doubt to both of them:

Provided that in any such case, where there is no owner resident within the Station, delivery of such notice to the occupier shall be sufficient.

(*3*) Whenever the terms of any such notice duly given under this Law have not been complied with, the Commission may, after six hours' further notice, cause the act to be done by its officers.

Recovery of costs of execution.

141. (*1*) Where, under this Law, the owner or occupier of property is required by the Commission to execute any work and default has been made in complying with the requirement, and the Commission has executed the work, the Commission may recover the cost of the work from the person in default.

(*2*) As between themselves and the Commission, both owner and occupier shall be deemed to be in default for the purposes of this section, but that one of them shall be deemed to be primarily in default upon whom, as between landlord and tenant, the duty of doing the required act would properly fall either in pursuance of the contract of tenancy or by law.

(*3*) When the person primarily in default is the owner, and the Commission has recovered the whole or any part of the cost from the occupier, or the occupier has paid the same upon its demand, the occupier may deduct the sum so recovered or paid from the rent from time to time becoming due from him to the owner, or may otherwise recover it from such owner:

Provided that no occupier shall be required to pay under sub-section (*3*) any sum greater than the amount for the time being due from him to the owner, either in respect of rent due at the date of such demand as aforesaid or thereafter accruing, unless he has refused, on application made to him by the Commission, truly to disclose the amount of his rent and the name and address of the person to whom it is payable; but the burden of proof that the sum so demanded by the Commission from the occupier exceeds the rent due at the time of the demand, or which has since accrued due, shall lie on the occupier.

(*4*) All money recoverable by the Commission under this section may be recovered in the manner provided in section 186.

(5) Nothing in this section shall affect any contract between an owner and an occupier.

Compensation out of Municipal Fund.

142. (1) The Commission may make compensation out of the Municipal Fund to any person sustaining any damage by reason of the exercise of any of the powers vested in the Commission, its officers and servants, under this Law, and shall make such compensation where the person sustaining the damage was not himself in default in the matter in respect of which the power was exercised.

(2) If any dispute arises touching the amount of any compensation which the Commission is required by this Law to pay for injury to any building or land, it shall be settled in such manner as the parties may agree, or, in default of agreement, in the manner provided by the Land Acquisition Act, 1894, as applied to the Station, with reference to the acquisition of and payment of compensation for land for public purposes, so far as it can be made applicable.

I of 1894

Appeals from orders of Commission.

143. (1) Any person aggrieved—

(a) by the prohibition by the Commission under section 83 of the erection or re-erection of a building, or

(b) by a notice from the Commission under section 83, sub-section (4) or section 84, sub-section (2) requiring the alteration or demolition of a building, or

(c) by any order made by the Commission under the powers conferred upon it by sections 96, 104 or 107,

may appeal within thirty days from the date of such prohibition, notice or order to the officer holding the appointment of District Judge, and no such prohibition, notice or order shall be liable to be called in question otherwise than by such appeal:

Provided that, if the said officer is himself a Commissioner, the appeal shall lie to the First Assistant to the Resident or such other officer, not being a Commissioner, as may be empowered by the Resident in this behalf.

(2) The appellate authority may, if it thinks fit, extend the period allowed by sub-section (1) for appeal.

(3) The Resident may call for a report of the proceedings in any case in which it appears to him that there has been an illegality or material irregularity in the issue of any such prohibition, notice or order as aforesaid and may pass such orders thereon as he thinks fit.

CHAPTER VI.

OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY OR CONVENIENCE.

Depositing or throwing earth or materials or refuse, rubbish or offensive matter on roads or into drains.

144. Whoever, without the permission of the Commission or in disregard of its orders, throws or deposits, or permits his servants or members of his household under his control to throw or deposit, earth or materials of any description, or refuse, rubbish or offensive matter of any kind, upon any street or public place, or into any public sewer or drain or any drain communicating therewith, shall be punishable with fine which may extend to twenty rupees.

Discharging sewage.

145. Whoever, without the permission of the Commission, causes or knowingly or negligently allows the water of any sink or sewer or any other offensive matter, to flow, drain or be put upon any street or public place, or into any public sewer or drain not set apart for the purpose, shall be punishable with fine which may extend to twenty rupees.

Failure to remove offensive matter.

146. Whoever, being the owner or occupier of any building or land, keeps or knowingly or negligently allows to be kept,—

(a) for more than twenty-four hours, or

(b) otherwise than in some proper receptacle,

any dirt, dung, bones, ashes, nightsoil or filth or any noxious or offensive matter in or upon such building or land, or suffers any such receptacle to be in a filthy or noxious state, or neglects to employ proper means to cleanse and purify the same, shall be punishable with fine which may extend to fifty rupees.

Making or altering drains without authority.

147. Whoever, without the permission of the Commission, makes or causes to be made, or alters or causes to be altered, any drain leading into any public sewer or drain shall be punishable with fine which may extend to fifty rupees.

Penalty for making or keeping latrines, etc., near any source of water-supply.

148. Whoever, without the permission of the Commission, makes or keeps for a longer time than one week after notice under section 100 any drain, latrine, urinal or receptacle for filth or refuse within fifty feet of any spring, well, tank, reservoir or other source from which water is or may be derived for public use, shall be punishable with fine which may extend to twenty rupees, and, after service of notice, with a further fine not exceeding five rupees for each day during which the offence is continued after the lapse of the period allowed for removal.

Keeping animals so as to be injurious to health.

149. Whoever keeps any swine in disregard of any orders which the Commission may give to prevent them from becoming a nuisance, or keeps any other animal so as to be injurious to the health of the inhabitants or of animals generally, or so as to become a nuisance, shall be punishable with fine which may extend to twenty rupees and with a further fine which may extend to five rupees for every day after the first during which the offence is continued.

Feeding animals on deleterious substances.

150. Whoever feeds or allows to be fed any animal which is kept for dairy purposes or may be used for food, on deleterious substances, filth or refuse of any kind, shall be punishable with fine which may extend to fifty rupees.

Driving vehicles without lamps after dark.

151. Whoever drives any vehicle after dark in any street at more than a walking pace, unless the vehicle is properly supplied with lamps or there is sufficient moonlight to render lamps unnecessary, shall be

punishable with fine which may extend to twenty rupees.

Discharging fire-arms, etc.

152. Whoever discharges fire-arms or lets off fire-works or fire-balloons, or engages in any game in such a manner as to cause, or be likely to cause, danger to persons passing by or dwelling or working in the neighbourhood, or risk of injury to property, shall be punishable with fine which may extend to twenty rupees.

Control of elephants or camels.

153. Whoever, being in charge of any elephant, camel or bear, omits, on being requested to do so, to remove as far as may be practicable his elephant, camel or bear to a safe distance on the approach of a horse, whether ridden or driven, shall be punishable with fine which may extend to twenty rupees.

Taking elephants along public roads.

154. Whoever, contrary to any orders of the Commission, takes an elephant along a street, shall be punishable with fine which may extend to twenty rupees.

Suffering dogs to be at large.

155. Whoever, being the owner or person in charge of any dog which is likely to annoy or intimidate persons passing by, neglects to restrain it so that it shall not be at large without a muzzle in any street, shall be punishable with fine which may extend to twenty rupees.

Altering, obstructing or encroaching upon streets.

156. Whoever, without the permission of the Commission, alters, obstructs or encroaches upon any street, or any public sewer, drain or water-course, or displaces, takes up or alters the pavement or other materials or the fences or posts of any street, or deposits building-materials or makes any hole or excavation on or in any street, or removes material from beneath any street so as to occasion risk of surface subsidence, shall be punishable with fine which may extend to fifty rupees.

Quarrying, blasting, cutting timber or building.

157. Whoever quarries, blasts, cuts timber or carries on building operations in such a manner as to cause, or to be likely to cause, danger to persons passing by or dwelling or working in the neighbourhood, shall be punishable with fine which may extend to fifty rupees.

Picketing animals and collecting carts.

158. Whoever, contrary to the orders of the Commission, pickets animals or collects carts on any public ground, or uses any such ground as a halting place for vehicles or animals of any description or as a place of encampment, or causes or permits animals to stray, shall be punishable with fine which may extend to twenty rupees.

Carrying corpses by prohibited routes or so as to cause annoyance.

159. Whoever carries a corpse along a route prohibited by the Commission, or in a manner likely to cause annoyance to the public, shall be punishable with fine which may extend to ten rupees.

Destroying direction-posts, lamp-posts, etc.

160. Whoever, without being authorized by the Commission, defaces or disturbs any direction-post or lamp-post, or extinguishes any light provided and maintained in any public place by the Commission, shall be punishable with fine which may extend to ten rupees.

Penalty for disobedience of orders of Commission under last Chapter.

161. Whoever disobeys any lawful direction given by the Commission by public notice under the powers conferred upon it by the last foregoing Chapter, or any written notice lawfully issued by it under the powers so conferred, or fails to comply with the conditions subject to which any permission was given by the Commission to him under those powers, shall, if the disobedience or omission is not an offence punishable under any other section, be punishable with fine which may extend to fifty rupees, and, in the case of a continuing breach, with a further fine which may extend to five rupees for every day after the first during which the breach continues :

Provided that, when the notice fixes a time within which a certain act is to be done and no time is specified in this Law, it shall rest with the Magistrate to determine whether the time so fixed was a reasonable time within the meaning of this Law.

Penalty for obstructing or molesting the Commission or persons employed by it.

162. Whoever obstructs or molests the Commission or any person employed by it, or any person with whom it has entered into a contract under this Law, in the performance of their or his duty, or who obstructs any person from doing anything which he is empowered or required to do by virtue of this Law, or removes any mark set up for the purpose of indicating any level or direction incidental to the execution of any work authorized by this Law, shall be punishable with fine which may extend to two hundred rupees.

Prosecution to be suspended in certain cases.

163. When any order of the kinds specified in section 104, section 107, and section 161 is subject to appeal, and an appeal has been instituted against it, all proceedings to enforce such order and all prosecutions for any breach thereof shall be suspended pending the decision of the appeal, and, if such order is set aside on appeal, disobedience thereto shall not be deemed to be an offence.

Disposal of certain imports seized under any bye-law made under section 137.

164. If the flesh of any cattle, sheep, goat or swine is brought within the Station in contravention of any bye-law made under section 137, it may be seized by any officer of the Commission authorized in that behalf and may be destroyed or otherwise disposed of as the Commission may direct.

CHAPTER VII.

PREVENTION AND EXTINCTION OF FIRE.

Establishment and maintenance of fire-brigade.

165. For the prevention and extinction of fire the Commission may establish and maintain a fire-brigade and may provide any implements, machinery or means of communicating intelligence which the Commission may think necessary for the efficient discharge of their duties by the brigade.

Power of fire-brigade and ther persons for suppres-ion of fires.

166. (*1*) On the occasion of a fire in the Station any Magistrate, the Field, Officer of the week of the Bangalore Garrison, the District Superintendent of Police, the Secretary of the Commission, any Commissioner any member of fire-brigade maintained by the Commission then and there directing the operations of men belonging to the brigade and (if directed so to do by a Magistrate or by the District Superintendent of Police) any Police-officer above the rank of constable, may—

(*a*) remove or order the removal of any person who by his presence interferes with or impedes the operations for extinguishing the fire or for saving life or property;

(*b*) close any street or passage in or near which any fire is burning;

(*c*) for the purpose of extinguishing the fire, break into or through or pull down, or cause to be broken into or through or pulled down, or used for the passage of hose or other appliances, any premises;

(*d*) cause mains and pipes to be shut off so as to give greater pressure of water in or near the place where the fire has occurred;

(*e*) call on the persons in charge of any fire-engine to render such assistance as may be possible; and,

(*f*) generally, take such measures as may appear necessary for the preservation of life or property.

(*2*) No person shall be liable to pay damages for any act done by him under sub-section (*1*) in good faith.

(*3*) Any damage done in the exercise of a power conferred, or a duty imposed, by this section shall be deemed to be damage by fire within the meaning of any policy of insurance against fire.

Exercise of powers under section 166 to be subject to rules.

167. The powers conferred by the last foregoing section shall be subject to any regulations, conditions or restrictions which may be imposed by rule.

Power to make rules under this Chapter

CHAPTER VIII.

CONTROL.

Power of Resident to call for statistics.

168. The Resident may at all times call for such reports and statistics connected with the working, income and expenditure of the Commission as he may think fit; and the Commission shall forthwith comply with such requisition.

Power to suspend action of Commission.

169. The Resident may, by order in writing, suspend the execution of any resolution or order of the Commission, or prohibit the doing of any act which is about to be done, or is being done in pursuance of or under cover of this Law, if, in his opinion, the resolution, order or act is in excess of the powers conferred by law, or the execution of the resolution or order, or the doing of the act, is likely to lead to a breach of the peace or to cause injury or annoyance to the public or to any class or body of persons.

Extraordinary powers of Resident in case of emergency.

170. (*1*) In cases of emergency the Resident may provide for the execution of any work, or the doing of any act, which the Commission is empowered to execute or do, and the immediate execution or doing of which is, in his opinion, necessary for the service or safety of the public, and may direct that the expense of executing the work or of doing the act shall be forthwith paid by the Commission.

(*2*) If the expense is not so paid, the Resident may make an order directing the person having the custody of the balance of the Municipal Fund to pay the expense, or so much thereof as may from time to time be possible, from that balance in priority to all other charges against the same.

Resident may take special measures on outbreak of any dangerous disease.

171. (*1*) In the event of the Station being at any time visited or threatened with an outbreak of any disease dangerous to the public health, or in the event of anthrax, glanders, rinderpest or any other such disease affecting horses or cattle breaking out, in, or being likely to be introduced into, the Station, the Resident, if he thinks the ordinary provisions of this Law or of any other law at the time in force are insufficient for the purpose, may—

(*a*) order the Commission to take such special measures and,

(*b*) by public notice, prescribe such temporary regulations to be observed by the public or by any person or class of persons, as he may think necessary to prevent the outbreak of such disease or the spread thereof.

(*2*) The Resident shall forthwith report to the Governor General in Council any orders and any regulations issued or prescribed by him under sub-section (*1*).

Power to provide for performance of duties in cases of default of Commission.

172. (*1*) When the Resident, after due inquiry, is satisfied that the Commission has made default in performing any duty imposed upon it under this Law, he may, by an order in writing, fix a period for the performance of that duty; and, if it is not performed within the period so fixed, he may appoint some person to perform it and may direct that the expense thereof shall be paid within such time as he may fix by the Commission.

(*2*) If the expense is not so paid, the Resident may make an order directing the person having the custody of the balance of the Municipal Fund to pay the expense, or so much thereof as may from time to time be possible, from that balance in priority to all other charges against the same.

Powers of Resident over Commission.

173. (*1*) The Resident shall be bound to require that the proceedings of the Commission shall be in conformity with law and with the rules in force under any enactment for the time being applicable to the Station generally or to the areas over which the Commission has authority.

(2) The Resident may exercise all powers necessary for the performance of this duty, and may, among other things, by order in writing, annul or modify any proceeding which he considers not to be in conformity with law or with such rules as aforesaid.

Power of Resident to supersede Commission in case of incompetency, persistent default or abuse of powers.

174. (1) If the Commission is incompetent to perform, or persistently makes default in the performance of the duties imposed on it by or under this or any other enactment, or exceeds or abuses its powers, the Resident may, with the previous sanction of the Governor General in Council, by a notification in which the reasons for so doing shall be stated, declare the Commission to be superseded:

Provided that, in case of public emergency, such a notification as aforesaid may be issued without the previous sanction of the Governor General in Council, but shall be forthwith reported to the Governor General in Council and shall be subject to his orders.

(2) When the Commission is superseded under sub-section (1), the following consequences shall ensue:—

(a) all Commissioners shall, from the date of the notification, vacate their seats:

(b) all powers and duties of the Commission may, until the Commission is reconstituted, be exercised and performed by such person or persons as the Resident may appoint in that behalf:

(c) all property vested in the Commission shall, until the Commission is reconstituted, vest in Her Majesty.

(3) The Resident may, if he thinks fit, at any time constitute another Commission in the place of the Commission superseded under this section.

Power of Resident to frame forms and make rules.

175. (1) The Resident may frame forms for any proceeding of the Commission for which the Resident considers that a form should be provided, and may make rules, consistent with this Law,—

(a) with respect to the powers and duties of the Commission;

(b) as to the division of the Station into wards, or of the inhabitants into classes, or both;

(c) as to the number of representatives proper for each ward or class;

(d) as to the qualifications of electors and of candidates for election;

(e) as to the registration of electors;

(f) as to the nomination of candidates, the time of election and the mode of recording votes;

(g) generally for regulating all elections under this Law;

(h) fixing the term of office of Commissioners;

(i) as to the constitution, powers and duties of the Health Committee;

(j) prescribing the qualifications requisite in the case of persons appointed by the Commission to offices requiring professional skill;

(k) as to the priority to be given to the several duties of the Commission;

(l) as to the procedure to be observed for the punishment or dismissal of servants of the Commission;

(m) as to the conditions on which land vested in the Commission may be transferred by sale, mortgage, lease, exchange or otherwise;

(n) as to the preparation of plans and estimates for works to be constructed at the expense of the Commission and as to the person by whom, and the conditions subject to which, such plans and estimates are to be sanctioned;

(o) as to the accounts to be kept by the Commission, the conditions on which such accounts are to be open to inspection by inhabitants paying any tax under this Law, the manner in which such accounts are to be audited and published, and the power of the auditors in respect of disallowance and surcharge;

(p) as to the preparation of estimates of the income and expenditure of the Commission and the person by whom, and the conditions subject to which, such estimates are to be sanctioned;

(q) as to the returns, statements and reports to be submitted by the Commission

(r) as to the publication of notices; and

(s) generally for the guidance of the Commission and public officers in carrying out the objects and purposes of this Law and for all other matters necessary or incidental to the due administration of this Law.

(2) Rules under clause (g) of sub-section (1) may, among other matters, provide—.

(i) for the investigation of allegations of corrupt practices or intimidation at elections;

(ii) for making void the election of any person proved to the satisfaction of the Resident to have been guilty of corruption or intimidation or to have connived at or abetted the exercise of corruption or intimidation on his behalf by any other person;

(iii) for rendering incapable of municipal office either permanently or for a term of years any person whose election may have been made void as aforesaid for corruption or for connivance at or abetment of the same; and

(iv) for the definition of the practices at municipal elections which are to be deemed to be corrupt or to amount to intimidation.

CHAPTER IX.

SUPPLEMENTAL.

Prosecutions.

Authority for prosecutions.

176. No Court shall take cognizance of any offence punishable under this Law or any rule or

bye-law thereunder except on the complaint of the Commission or of some person authorized by the Commission in this behalf.

Explanation.—The Commission may authorize persons to prosecute either generally in regard to all offences against this Law and the rules or bye-laws thereunder or particularly in regard only to specified offences or offences of a specified class. The person authorized may be authorized by office, if he is the President or a Vice-President, but in other cases the authority must be personal. The authority must in all cases be in writing and may at any time be cancelled by the Commission.

Power to compound offences.

177. (*1*) The Resident may empower the Commission, or the President, a Vice-President or the Secretary or any other officer of the Commission or any Committee appointed under section 23 or section 24 or the chairman thereof, to accept from any person against whom a reasonable suspicion exists that he has committed an offence against this Law or any rule or bye-law thereunder, a sum of money by way of composition for such offence.

(*2*) On payment of such sum of money the suspected person if in custody shall be discharged, and no further proceedings shall be taken against him in regard to the offence or alleged offence so compounded.

(*3*) Sums paid by way of composition under this section shall be credited to the Municipal Fund.

(*4*) Power under sub-section (*1*) may be given either generally in regard to all offences under this Law and the rules and bye-laws thereunder, or particularly in regard only to specified offences or offences of a specified class, and may at any time be withdrawn by the Resident.

(*5*) The Resident may make rules to regulate the proceedings of persons empowered under sub-section (*1*).

How fines are to be applied.

178. The Magistrate or Judge by whom any fine is imposed under this Law or any rule or bye-law thereunder, may award any portion, not being more than one-half thereof, to the informer, and the remainder, or, if he makes no award to the informer, the whole, of such fine shall be paid to the Commission, to be by them applied to the purposes of this Law.

Commissioner not to be deemed interested in prosecution.

179. No Judge or Magistrate shall be deemed to be a party to, or personally interested in, any prosecution for an offence punishable under this Law or any rule or bye-law thereunder, or under any other law for the time being in force, within the meaning of section 555 of the Code of Criminal Procedure, 1882, as applied to the Station, by reason only that he is a Commissioner by the order, or under the authority, of whom it has been instituted.

Rules and bye-laws.

Procedure for making rules and bye-laws.

180. (*1*) The authority empowered to make any rules or bye-laws under this Law other than bye-laws under section 25 or section 32, shall, before making such rules or bye-laws, publish, in such manner as may, in its opinion, be sufficient for giving information to persons interested, a draft of the proposed rules or bye-laws with a notice specifying a date on or after which the draft will be taken into consideration; and such authority, as also, in the case of bye-laws, the Resident whose confirmation is required, shall, before such rules or bye-laws are made, consider any objection or suggestion which may be received from any person with respect to the draft before the date so specified.

(*2*) If, on such consideration, any modification is made in the draft, the Resident shall determine whether or not the draft shall be republished under this section.

(*3*) Every such rule or bye-law shall be notified in English and in such other language or languages as the Resident may direct; and such notification shall be conclusive proof that such rule or bye-law has been made as is required by this section.

Rules to be available for purchase and inspection.

181. (*1*) A copy of all rules and bye-laws made under this Law shall be kept at the Commission's office, and shall be open during office hours without charge to the inspection of any inhabitant.

(*2*) Copies of all such rules and bye-laws shall be kept at the Commission's office for sale to the public at a price not exceeding one rupee.

Notices.

Authentication, service and validity of notices.

182. (*1*) Every notice issued by the Commission under this Law or under any rule or bye-law thereunder shall be in writing signed by the President, Vice-President or Secretary or by the members of any Committee specially authorized by the Commission in that behalf, and may be served on the person to whom it is addressed or delivered or left at his usual place of abode or business with some adult male member or servant of his family, or, if it cannot be so served delivered or left, may be affixed to some conspicuous part of his place of abode or business.

(*2*) When the place of abode or business of the person to whom such notice is addressed is not within the Station, the notice may be served by posting it in a registered cover addressed to his usual place of abode.

(*3*) If the owner of any property has no place of abode or business within the Station, every such notice addressed to him as such owner may be served on the occupier.

(*4*) When the place of abode or business of the occupier of any property is not known, every such notice addressed to him as such occupier may be served by affixing it to some conspicuous part of the property.

(*5*) No notice issued by the Commission under this Law or under any rule or bye-law thereunder shall be invalid for defect of form.

Mode of giving notice to owner or occupier of property.

183. When any notice is under this Law to be given to, or served on, the owner or occupier of any property and such owner or occupier is unknown, it may be given or served—

(*a*) by delivering a written notice to some person on the property, or, should there be no person on the property to whom it can be delivered, by affixing it to some conspicuous part of the property; or,

(*b*) by putting into the post a pre-paid letter containing a written notice, and addressed by the description of the "owner" or "occupier" of the property (naming it) in respect of which the notice is given, without further name or description.

Publication of public notice.

184. Every public notice issued by the Commission under this Law or under any rule or bye-law thereunder shall be published by proclamation or in such other manner as the Resident may, by rule, direct.

Exemption of local areas.

Effect of exemption of local areas from provisions of this Law.

185. When any local area has under section 6 been exempted from the operation of any of the provisions of this Law or of any rules or bye-laws thereunder, the Governor General in Council shall, after consulting the Commission, frame a scheme determining in what manner the liabilities arising, or the advantages derived, therefrom shall be apportioned between the Commission and the Secretary of State for India in Council.

Collection of sums due to the Commission.

Recovery of sums due to the Commission.

186. When any sum is due to the Commission under this Law by any person, the Commission may recover such sum in the following manner, namely:—

(*a*) by causing a bill for the sum, stating the nature of the demand, to be served on the person liable to pay the same, in the manner provided in section 182;

(*b*) if the sum is not paid within seven days from the service of such bill, by causing a notice of demand to be served on such person;

(*c*) if such person does not within seven days from the service of such notice pay the sum due, with any fee leviable for the notice, or show sufficient cause for non-payment, by distraining and selling the moveable property of such person in the manner provided in the Code of Civil Procedure, as applied to the Station;

XIV of 1882.

(*d*) by suing such person in the Civil Court, in which case any sum awarded by the Court shall, subject to any claim on behalf of Her Majesty, be a first charge on the property (if any) in respect of which it is payable.

Miscellaneous.

Precautions to be observed in entering dwellings.

187. When any building used as a human dwelling is entered under this Law, due regard shall be paid to the social and religious sentiments of the occupiers; and before any apartment in the actual occupancy of any woman who, according to custom, does not appear in public, is entered under this Law, notice shall be given to her that she is at liberty to withdraw, and every reasonable facility shall be afforded to her for withdrawing.

Obligation of municipal servants to discharge their duties.

188. (*1*) In the absence of a written contract to the contrary every sweeper or scavenger employed by the Commission shall be entitled to one month's notice before discharge or to one month's wages in lieu thereof, unless he is discharged for misconduct or was engaged for a specified term and discharged at the end of it.

(*2*) Whoever, being a sweeper or scavenger employed by the Commission, in the absence of a written contract authorizing him so to do and without reasonable cause, resigns his employment or absents himself from his duties without giving one month's notice to the Commission, or neglects or refuses to perform his duties or any of them, he shall be liable to imprisonment which may extend to two months.

(*3*) The Resident may, by notification, direct that, on and from a date, to be specified in the notification, the provisions of sub-sections (*1*) and (*2*) with respect to sweepers and scavengers shall apply also to any specified class of servants employed by the Commission whose functions intimately concern the public health or safety.

Brothels.

189. On the complaint of five or more inhabitants of the Station that a house in their immediate neighbourhood and within the limits of the Station is used as a brothel or by disorderly persons of any description, to the annoyance of the respectable inhabitants of the vicinity, any Magistrate of the first class having, as such, jurisdiction in the place where the house is situated may summon the owner or tenant of the house to answer the complaint; and, on being satisfied that the house is so used, and is a source of annoyance and offence to the neighbours, may order the owner or tenant to discontinue such use of it; and if he shall fail to comply with such order within five days, may impose upon him a fine not exceeding twenty-five rupees for every day thereafter on which the house is so used.

Relief to agents and trustees.

190. (*1*) When any person, by reason of his receiving the rent of immoveable property as agent or trustee, or of his being as agent or trustee the person who would receive the rent if the property were let to a tenant, would, under this Law, be bound to discharge any obligation imposed by this Law on the owner of the property and for the discharge of which money is required, he shall be bound to discharge the obligation only to the extent of such funds as he has, or but for his own improper act or default might have had, in his hands belonging to the owner.

(2) The burden of proving the facts entitling an agent or trustee to relief under this section shall lie on him.

(3) When any agent or trustee has claimed and established his right to relief under this section, the Commission may give him notice to apply to the discharge of such obligation as aforesaid, the first moneys which shall come to his hands on behalf or for the use of the owner, and, if he fails to comply with such notice, he shall be deemed to be personally liable to discharge such obligation.

Decision of question as to whether persons are inhabitants.

191. If any question arises as to whether any person or specified class of persons is or are an inhabitant or inhabitants, within the meaning of this Law, of a local area in the Station, the decision thereon of the Commission shall be conclusive.

Police-officers to report offences to Commission and assist generally.

192. It shall be the duty of every Police-officer to give information to the Commission of any offence committed against this Law or the rules or bye-laws thereunder, and to assist all Commissioners and officers or servants of the Commission in the exercise of their lawful authority.

W. J. CUNINGHAM,
Secretary to the Government of India.

RESIDENT'S OFFICE.

Serial No. 42

File No

[DRAFT]—For approval.

No.

Dated 1st Aug. 189 7 To

Rec'd 1st Aug
Foreign Dept. Secretariat
No. 2175-I. & J. 9 Aug 97

Sir

The Government of India is
launching the new Bombay Municipal
Law: have adhered to their objection
as regards the municipal Tax on places
where spirituous liquors are sold, and
decline to allow the continuance of the
present tax on liquor which the Municipality
realizes but state that they are prepared
to grant to the municipality, concurrently
with the abolition of the present tax, such
assignation from the general revenues
of the Province as the Municipal
Commissioners may consider to be
necessary on an examination of the
municipal finances. They will require
a full account of the taxation and
resources as also the requirements of the District

Rec'd 7/

doubtless in order to enable them to determine what ~~proportionate~~ surplus revenue should in the near future be devoted to local purposes.

To enable the Resident to submit a report on the subject I shall be obliged if you will with the least possible delay, send me such information as regards ~~Municipal~~ finances & requirements of this Station as you maybe able to acquire.

As regards finances of the Municipality, the information required should be in the form you ~~usually~~ estimate showing income & obligatory & normal expenditure year by year.

Further, the Govt. of India require that the exemption of military officers & soldiers employed on military duty here from profession tax be formally notified under Sec: 46 (2) of the new municipal law. Will you kindly send me a draft of the notification?

A further communication will in due

due course be sent regarding changes in the municipal law. Meanwhile I am to request that copies of the Law as published be furnished & twenty copies furnished to this office.

JMC
1/VI.

A. M. Slight Esqre I.C.S.
President, Municl. Commrs.
Cal in Station

BANGALORE
C & M
STATION
MUNICIPALITY

7/VII 21st July 1887

Rec'd 3/VII.

My dear Colvin

Your D.O. of today's date about the new Municipal Law. I have already put it into press, & hope to receive copies in a few days. The 20 which you ask for will be supplied to you as soon as possible

The exclusion of the taxes on places licensed for sale of liquor is rather strange, seeing that it is allowed in the Municipal laws of the chief towns in India, including Calcutta. The present is a trying & difficult time to prepare

the report that you ask for on our resources and ordinary liabilities. A joint Committee of this & the City Municipalities was appointed over 6 months ago to consider the general methods of taxation and assimilate them in the two Municipalities as far as possible. Owing to difficulty in getting essential information from Railway Companies as regards imports & exports, the Committee has not sat for nearly 6 months, but now the information has been got, & I hope we shall

BANGALORE
C & M
STATION
MUNICIPALITY

resume settings as soon as
I can get any time available
Profession Tax, carriage tax
extension of Octroi taxes, water
rates, increase of house & lighting
rates, are all under consideration.
A considerable portion of our
profession tax has recently
been lost, while a liability to
a very large expenditure, as
yet unknown, for water supply
has been incurred. Liabilities
for hospitals are being largely
increased. Large drainage schemes

are under contemplation. You must see, under such circumstances, how difficult it is to give at short notice a sufficient estimate of ordinary income & expenditure on which to found claims for Government subsidy.

Even as regards resuming the work of our joint committee on taxation, I do not know when I can get at it. I have often pointed out that any establishments on the Imperial side are unable to keep up with regular work in any way

BANGALORE
C & M
STATION
MUNICIPALITY

that I would let work go out of my office All my various Administration Reports are on my hands, overdue, like a very large number of other things. I am at present busily occupied with Committees for annual revision of Municipal taxes, and all the Income Tax work is waiting.

I shall do my best to give you the necessary Statement soon; but I am

much afraid that the information ~~given~~ I can supply will not be such as I can myself consider satisfactory

I am

Yours Sincerely

Chas. Lyell

RESIDENT'S OFFICE.

Serial No. 44

File No.

[DRAFT].—For approval.

No.

Dated 6th July 1897. To

A43

My dear Light

The Resdt. has seen your
D/o. of the 1st, and has asked me
to let you that as the Sec. of State
has asked for an early reply, one
must be sent. As regards the
report on
~~Statement of~~ Municipal finances,
it must necessarily be imperfect
at present but then the Resdt. can
explain: practically all that is
need do is to give the present
income and fixed and obligatory
expenditure, and state generally
what matters are pending. Perhaps
it might facilitate matters about
joint taxation if we had a

Joint Committee ~~Conduct of War~~

~~Joint the matter~~ ? Please apply
for Col R.
as soon as possible as ~~the~~
is anxious to push on matters
as fast as he can.

Jul
5/VII

Asst Sig Lt. Col.
Recd & Ref Com:

5-7-61

BANGALORE C & M STATION MUNICIPALITY

No. 21-7-97

Very dear Colvin

I should like to have the Residents' opinion as soon as possible as to whether we can levy "Lighting Rate" this year along with "House Rate"

The new Law does not allow any "Lighting Rate". Under the old Regulations it did not fall due till the end of June Still it was imposed under the old Regulations & budgeted for

Dear Keith.

Im an enquiry
Ihr Nov Municip'. Law
& in Ihr connection Ihr
subject of Slights below
written will probably have
attached & am attentive
Will Ihr pls obs: as
being adjourned to Jan 1893
I send this below both
for Take Ihr Resolutions
m it

Yrs.
J. Collins

23/VII

for this year under the same.

The revision of house valuation has been completed & the bills should be going out at once If we must exclude the 1 per. cent. Lighting Rate, it means a loss of Rs. 10,000 for this year. I should like the Resident's opinion, therefore, as to whether provisions of Sec. 2 (2) would cover the levy of it for this year.

Yours Sincerely

Ellis Chaplin

No. 3098.

FROM

CAPTAIN K. D. ERSKINE, I. S. C.,
FIRST ASSISTANT TO THE RESIDENT IN MYSORE

To

THE PRESIDENT MUNICIPAL COMMISSION,
CIVIL AND MILITARY STATION, BANGALORE.

Dated Bangalore, the 28th July 1897.

SIR,

I am directed to invite a reference to your letter No. 1915 of the 28th September last, on the subject of the draft Municipal Regulation of 1896 and to state that copies of its enclosures were forwarded to the Government of India for the consideration of the Governor-General in Council. I am now to forward for the information and guidance of the Commission, a copy of the Bangalore Municipal Law, 1897, as finally approved by the Governor-General in Council. As you are aware, it has been published in the Gazette of India of the 9th June 1897, and you have been unofficially asked to have it printed and to supply this office with twenty copies.

2. As the new Law differs in many respects from the Regulations of 1883, which have been repealed, I am to point out the more important of the changes.

3. *Section 1 (2) read with Sections 3 (1) and 4.* These may be compared with the definition of "Municipal limits" in old Section 2. Under the Regulation now repealed, the Resident could fix and notify Municipal limits but this power has now been reserved for the Governor-General in Council. The effect of Section 2 of the new Law is to save all existing Notifications regarding Municipal limits so no fresh Notification by the Governor-General in Council is at present required.

4. *Section 3.* Several terms have been defined for the first time, among them "explosive" and "petroleum." As the Indian Explosives Act, 1884, and the Petroleum Act, 1886, have not been applied to the Station, the definitions therein of the above words have been entered.

As regards the definition of "notification," the "local official Gazette" is the Gazette of India, Part II.

5. *Sections 5, 6 and 7* are new.—As regards the first, no Notification has yet been issued by the Governor-General in Council, but enquiries will be made whether the Military authorities desire any buildings or lands in their exclusive possession to be exempted from the operation of the new Law. Should a Notification issue, the Commission will be informed and any action necessary can then be taken under new Section 70.

Sections 6 and 7 were discussed by the Commission in September last, and in part formed the subject of your letter quoted in my first paragraph. Looking to the unique position of this Station, consisting as it does of a Cantonment area intermingled with the area inhabited by the Civil population, the Governor-General in Council has decided to take power to exclude from municipal jurisdiction any local area in the Station, and to apply to any local area or, if need be, to the Station, any Cantonment Act or Regulation or rules thereunder.

6. *Section 8.* Sub-section (1) is new to the extent that the exact number of Commissioners is laid down, *viz.* 25 excluding the President. As regards sub-section (2) the present rules will remain in force until cancelled by the Resident; the propriety of amending the election rules is under consideration. Proviso (b) is new in that, with the sanction of the Governor-General in Council, the number of appointed Commissioners may exceed one third of the whole Commission.

Section 9 (2). The rules which at present regulate the term of office of Commissioners will remain in force until new rules are made by the Resident.

Section 10. Explains what a member of the Commission should do who desires to resign his seat and when such resignation shall take effect.

Section 11. Confers on the Resident more powers than he had under either Section 3 or 5 of the repealed Regulations. With reference to clause (c), I am to request you will be good enough to bring to notice any case in which a Commissioner has absented himself from meetings for more than three consecutive months.

Section 12. Certain Commissioners took objection to the proviso to sub-section (1) in September last, but the proviso does not in its effect seem to be an innovation, and in certain cases *e. g.*, the occurrence of a vacancy shortly before the date fixed for the annual election, it would obviously be desirable to leave the vacancy unfilled until such election, more especially if the term of office of the person whose death, resignation or removal caused the vacancy were to expire at such election.

Section 13, is new, and I am to request that on the election or appointment of a Commissioner you will submit for the approval of the Resident a draft Notification. *Section 15* is new. With reference to *Section 17*, I am to enquire whether the Commissioners propose to elect one, or two, of their number to be a Vice-President, or Vice-Presidents, and if so, what term of office they suggest that the Resident should fix. The names of the Commissioner or Commissioners, if any, elected by the Commission for the post of Vice-President should be communicated for the Resident's approval.

Under *Section 19 (1)*, the Resident appoints the Residency Surgeon to be the Medical Officer to the Commission. This officer is already an appointed Commissioner, *ex-officio*.

7. *Section 23.* Is new, but it is understood that a Health Committee was appointed under the old Regulations and still exists. The Resident will be glad to learn who the members of this Committee are: it is very necessary that they should be active and diligent in the performance of their duty. It will be observed, that the Residency Surgeon in his capacity as Medical Officer will be *ex-officio* chairman of the Health Committee and it seems very desirable that the Commission should in order to obviate possible misunderstandings define clearly what the authority and responsibilities of the Health Committee are and the manner in which it should work. In this connection the new provisions of *Section 25* are very important. They may be compared with old Section 11. The Resident will be glad to know whether in addition to the foregoing the Commission proposes to delegate any of its current executive duties to a Vice-President, Commissioner or other officer, if so, the exact nature and extent of such delegation should be reported in the shape of bye-laws for approval, [Section 32 (1).]

8. *Section 26* may be compared with old Sections 18 and 20. It will be necessary for the Commission to make a bye-law under sub-section (1). *Section 28* may be compared with old Section 24. The quorum necessary for a special meeting has been raised from 12 to 13 *i. e.*, one-half of the Commission. The quorum for an ordinary meeting should now be fixed by bye-law which requires the approval of the Resident. [Section 32 (2)].

Section 31 may be compared with old Sections 19 and 26. Under old Section 19, the minutes of the proceedings of only ordinary meetings were placed at the convenience of the press. The Resident directs that this

procedure continue not only in the case of minutes of proceedings of ordinary meetings but also in the case of those of special meetings. It will be noticed that these minutes are to be open to inspection by *any inhabitant* free of charge and not as laid down in old Section 26. The term inhabitant is defined in Section 3 (5).

Section 31 (2). The necessity for transmitting copies of all Resolutions passed at any meeting of the Commission to the Resident within 3 days from date of the meeting should not be overlooked.

9. *Section 32 (1)* relates to bye-laws. In making these the Commission will no doubt study the present procedure as enjoined in various sections of the old Regulations *e. g.*, under (a) old Section 18 read with new Section 26 (1), under (b) old Sections 18 and 20, under (c) old Section 24, under (d) old Section 19, 21, 23 and 24, under (e) old Section 6, and under (h) old Sections 14 and 15. It will be noticed that under Section 32 (2) certain bye-laws require the previous approval of the Resident. With reference to Section 32 (3), the Resident directs that every bye-law under that section be printed in English and hung up in some conspicuous part of the office of the Commission. It does not seem necessary that such bye-laws should be published in the local newspapers, but on this point, I am to invite an expression of your opinion.

10. *Section 33* is an enlargement of old Section 27 while *Section 34* is new and important. *Sections 35, 36 (2) and 36 (3)* are also new, *Section 36 (1)* follows old Section 6 and *Section 37* may be compared with old Section 16, clauses I and II. *Section 39* is new.

11. *Section 41* should be carefully studied. It sets forth the kinds of taxes that may with sanction be imposed by the Commission. A comparison with old Section 34 will show that in the new law there is no specific mention of a tax upon the sale of spirituous and intoxicating liquors. The continued imposition of such a tax was contemplated by the late Resident when he submitted the draft of the Regulation which has now become law but the Government of India objected on the ground that it infringed on the sphere of Imperial taxation since the excise laws authorised the levy of license taxes on persons selling spirituous liquors. However on it being represented that the sudden withdrawal from the revenues of the municipality of a sum of Rs. 42,000 per annum made up as follows, *viz.*

Liquor shops registration fees under old Section 58	Rs. 13,000
Fees on sales of liquor under old Section 56 ...	Rs. 29,000

would seriously cripple the resources of the municipality, the Government of India have been pleased to allow the continuance of the present tax on liquor as a temporary measure pending the decision as to the abkari system to be adopted in future in the Station. Thereafter they will be prepared to grant the Commission concurrently with the abolition of the tax in question, such subvention from the general revenues of the Assigned Tract as they may from time to time consider to be advisable on an examination of the municipal finances. The present tax is levied "with the approval of the Resident in Mysore and the sanction of the Government of India" under section 34 of the old Regulations and as a similar tax could with the like dual sanction be imposed under Section 41 (1) B of the new Law the present tax will continue to be leviable without further sanction until abolished under the new Section 45.

12. The new Law contemplates the continued imposition of a tax on persons practising any profession or art or carrying on any trade or calling in the Station but the Government of India in the correspondence referred to in the preceding paragraph remarked that a profession tax so closely resembled an income tax that they desired that wherever possible it should be discontinued, and they enquired whether an extension of the octroi system would not prove an equally productive substitute and at the same time more economical in the way of establishment. The late Resident replied that the Commissioners were anxious to abolish altogether the tax which brought in some Rs. 12,000 a year, and that it was hoped that the deficiency might be made good by an extension of octroi taxation, but he asked that until some experience had been gained in

regard to that alternative the tax might be allowed to remain in force, subject to the condition that it was not to be levied from Military employees. To this request the Government of India have acceded and the tax will for the present continue to be levied on persons other than military officers or soldiers employed on military duty in the Station. These classes, which are held to include ladies of the Indian Nursing Association, have, as you are aware, been exempted from such taxation by the agreement of February 1897, with the Municipal Commissioners in part consideration for the water supply presented to the Station by the Government of India, but it is necessary to formally notify the exemption under the new Section 46 (2) and I am to ask you to be good enough to submit a draft Notification. The question of extending octroi taxation is, it is believed, still receiving the consideration of the Commission and when it has been decided, the profession tax can be totally abolished as explained. It seems very desirable that no further delay than is absolutely unavoidable should be allowed to occur in the preparation of a complete octroi scheme, and the Resident will be glad to know what the prospects are of an early settlement of this long pending question.

13. *Section 41 (a)* (1) contemplates the imposition of a tax on buildings and lands at a rate not exceeding 10 per cent on the annual value, and there is no mention in the new Law of a "lighting rate." The old Regulations (Sections 64 and 195) authorized a tax not exceeding 5 per cent on annual value on houses and not exceeding 1 per cent for lighting. It will be understood that the 10 per cent tax mentioned in the new Law is to include the lighting tax.

14. The Resident will be glad to hear how the Commissioners propose to reorganise their present system of taxation so as to bring it into conformity with the new provisions as explained in the three preceding paragraphs. The Government of India have called for, and you have recently submitted a full account of municipal taxation and resources and the requirements of the Station.

15. *Sections 42 and 43* are to some extent new and may be compared with old *Sections 108* and *198*. *Section 44* is new. It will be noticed that the entire procedure in connection with the imposition of a tax can be conducted at special meetings only.

Section 45 is also new and this business can only be done at a special meeting. The same remark applies to *Section 46 (2)*.

Under *Section 48* the Commission must settle as to dates and instalments on and in which taxes are to be paid. *Section 49* is new but has probably been followed hitherto. *Section 50* is to some extent new and may be compared with old Section 78. It will be seen that the period within which an appeal has to be lodged has been reduced in *Section 51* (1) from thirty to seven days. *Section 52* is new.

16. The minimum period to be mentioned in the notice referred to in *Sections 56* (1) and *58* (1) is one month against fifteen days in old Sections 73 and 76.

Section 60 may be compared with old Section 66. It relates to water tax as well as a tax on immoveable property.

As regards *Section 54* and following Sections the Resident presumes that the Commission will delegate some at least of it's functions in the assessment of taxes on immoveable property to two or more Commissioners. This point should be considered and reported upon.

17. *Section 63 to 67* inclusive may be compared with old Sections 62 A. to 62 Q. If will be seen as regards *Sections 66* and *67* (2) (i) that imprisonment can not now be awarded. The Government of India at first objected to the powers conferred by *Section 67* (2) (ii) and this objection is still maintained; they have however allowed the clause to stand on the understanding that the Commissioners recognize the importance of the interests to be protected and are prepared to recast their present system of taxation.

18. *Section 69* is to a great extent and *Sections 70, 72, 74* and *75* are entirely new. As regards chapter V, it will be noticed that *Section 79* is new as also *Sections 84* and *85*. *Section 83* is to a great extent new and is important. Bye-laws should be made. The following Sections are also new *viz.*, *98, 102, 108, 109, to 111, 113, 114, 116, 121* to *123, 130* and *143*. *Section 124* (*1*) follows old Section 177 A. but is considerably enlarged. *Section 138* differs from old Section 224 in that the maximum penalty for infringement of a bye-law has been raised from Rs. 20 to Rs. 50 and the maximum daily fine for a continuing breach has been reduced from Rs. 10 to Rs. 5.

19. A comparison of *Sections 144* to *149* will show that the penalties for the various offences have been altered, in some cases raised and in some reduced. The following Sections in chapter VI are new *viz.*, *152 to 155, 157* to *161* and *163* and *164*. Chapter VII is entirely new. While chapter VIII is for the most part new. In chapter IX *Sections 177, 179, 184, 185*, and *188 to 191* are new.

20. It will be noticed that bye-laws are contemplated in the following Sections *viz.*, 25 (1), 26 (1), 28 (2), 32 (1) (a) to (i), 83 (1), 83 (2) 84 (1) 102 (a) (2) (h) 106, 110, 111, 113 (3), 124, and 137 (a) to (l). Bye-laws are of three kinds *viz.*, (1) those which require the approval of the Resident *viz.*, under Sections 32 (1) (c) and 32 (1) (f) (2) ; those which require the confirmation of the Resident *viz.*, all bye-laws under chapter V, and (3), those which require neither the approval nor the confirmation of the Resident *viz.*, bye-laws under Sections 25 (1), 26 (1), 28 (2), 32 (1) (a), 32 (1) (b), 32 (1) (d), 32 (1) (e) 32 (1) (g) to (i). Bye-laws can be passed at special meetings only *vide* Section 3 (13). Drafts of all bye-laws save those under Sections 25 and 32 have to be published in such manner as the Commission deems sufficient for giving information to persons interested, and the notice which must accompany such draft has to specify a date on or after which the draft will be considered. Any objections that may be received have to be considered by the Commission and also by the Resident should his confirmation be required by law. All bye-laws save those under Section 25 or 32 have to be notified in English and in such other language as the Resident may direct. The word "notified" means published in the Gazette of India Part II and it will consequently be necessary when any such bye-law is finally made to forward a copy of it to this office for publication in the Gazette. The Resident will be glad to know if the Commission think it necessary to have the bye-law translated into any vernacular and published in any local paper, if so, the vernacular and the paper should be mentioned.

I have the honour to be,

Sir,

Your most obedient Servant

29-7

CAPTAIN,

First Assistant to the Resident.

RESIDENT'S OFFICE.

Serial No. 47

File No.

[DRAFT].—For approval.

No.

Dated 30 July 189/. To

My dear Sir,

Sec. 48 Placed on A 183/99 Civil Suppl.

I am answering your o/o. of the 21st to Colvin about the lighting rate. It cannot as you say be levied under the new Law and must thereafter be merged in the rate on buildings and lands, this is now 5 p.c. and cannot be raised until that the procedure laid down in Sec. 44 in the Municipalities Act be followed. I think that the levy of the Rate then you will be covered by Sec. F2(2) of the New Law.

Yours

KSE

28/7.

A. Sligh Esq.

Asst. Mc. Com.

4/(28.7.97)

21-7-97

Ref. Rule 49

Column

As requested on your D.O.S of 1st of 6th inst., I send herewith a note on the resources & liabilities of the Municipality. As I said before, it is necessarily based on data which are largely hypothetical

I enclose also the draft Notification asked for regarding exemption of Militari. from

Notify the President

The accompanying statements, A and B, will be found to afford information on the following points

"Statement A"

Information as to the actual receipts and charges under Budget heads detailed, for 3 years ending 31st. March 1897, together with the average annual amount of such receipt and expenditure.

"Statement B"

Information as to what may be considered the normal annual expenditure (setting aside certain necessities which will be found alluded to hereafter) with reasons for differences between the amount shown therein and the averages shown in Statement A.

2. Statement B fairly exhibits the resources as well as the necessities of the Commission under normal conditions and as all the items of expenditure exhibited thereon may be said to be of an obligatory nature (under the provisions of section 69 Bangalore Municipal Law 1897), it has not been considered necessary to prepare any further statement at present.

3. It will be seen from statement B that the estimated expenditure is in excess of receipts to the extent of Rs 50,086.

4. In addition to this amount the following requirements must be taken into consideration.

I Water supply

II B.C.Hospital, New Building and maintenance

III New drainage

2

IV Establishment charges connected with proposed extension of Octroi.

5. The first of these, i.e. water supply, has been variously estimated at from Rs 63,000 to Rs 75,000 per annum, and it might be well to place the figure at Rs 70,000.

6. With regard to II, the total estimated cost of new buildings is about Rs 80,000 of which amount Rs 24,000 will be provided by private contribution and and Rs 8,800 have been provided in the budget for the current year, thus leaving Rs 47,200, or, say, Rs 48,000 to be provided. If this money has to be borrowed the cost thereof will entail an annual charge of Rs 2,400; the maintenance of the Hospital after enlargement will entail an additional annual expenditure of Rs 6,000, thus making in all Rs 8,400 on account of Hospitals

at 5%

7. In the absence of a detailed scheme for the new drainage, it is difficult to exactly estimate what the annual cost may be to the Commission, but assuming that the cost of such a scheme would be Rs 8,00,000 the annual charge on account of capital would be Rs 40,000 and maintenance charges might fairly be assumed at Rs 10,000 or a total charge of Rs 50,000 per annum on this account.

8. The present charges on account of Octroi Esta--blishment &c amount to Rs 12,408 for the collection of revenue amounting to Rs 45,629 thus representing a charge on account of establishment &c of (approxi--mately) 28%. It is proposed (para 12 following) to increase the revenue on account of Octroi to as much again as is now collected or perhaps to Rs 1,00,000, and for this purpose some increase to establishment &c, will be necessary; this increase may be computed at

half as much again as the present charge or about Rs 19000 in all, representing a charge on account of establishment &c of 19%. __ Increase Rs 6592.

From the foregoing it will be gathered that if all the above proposals are to be carried out pro-vision must be made to the extent of Rs 185078 as follows-

Estimated excess expenditure -	Rs 50086
Water supply----------	Rs 70000
Hospital buildings and maintenance charges ----	Rs 8400
Drainage----------	Rs 50000
Octroi establishment charges-	Rs 6592
Total-	Rs 185078

10. The sources from which it might be possible to make provision on account of these charges are -

i by an increase to the house-tax of 5% at pre-sent levied. See Section 41 A (a) Bangalore Municipal Law 1897.

ii by the imposition of a tax on vehicles and animals used and kept in the Station, Section 41 A (c), Bangalore Municipal Law 1897.

iii by the imposition of a toll on vehicles and animals entering the Station. Section 41 A (d) Bangalore Municipal Law 1897.

iv by an extension of the Octroi under Section 41 A (e) Bangalore Municipal Law 1897.

v by the imposition of a water tax, section 43 Bangalore Municipal Law 1897.

11. Under i above an increase to the extent of 5% is admissible; but as a tax of 6% will be proposed under V above, the incidence of which will fall upon the same tax-payer, it is considered that an increase

of 1% only is advisable on the present tax on build-
-ings and lands. This increase would yield Rs 10,172.

12. With regard to ii, iii and iv above, the members of the Committee which was convened under the opera-
-tion of para 3 of Proceedings of the Resident in Mysore No.2242 dated 23rd. June 1896 (in re budget estimate of 1896-97) have expressed the opinion that the levy of a tax upon Vehicles and animals kept in the Station "would form too inconsiderable an increase to receipts to warrant its collection in view of the disfavor in which it would be held". The imposition of a toll on animals and vehicles entering the Station was objected to on general grounds by the Resident in Mysore (para 4 of letter No.2949 dated 29" August '93) unless there was an absolute necessity for the same. Revenue under heads ii & iii above cannot therefore be looked for with any degree of confidence. The Reve-
-nue from Octroi-head iv-might, it is thought, be extend-
-ed so as to yield about Rs 1,00,000 which would be a little more than double that at present obtained (45,629). This subject is still under the consideration of a Joint Sub-Committee of the Commissioners of the City and Station Municipalities, which was convened in reference to this office No.1649 dated 9" September 1896 and sanctioned as per No.4267 dated 25" November 1896 from the First Assistant to the Resident. A record of the proceedings of this Committee up to April 1897 was forwarded to the First Assistant to the Resident with this office No.155 dated 8" April.

13. A water-tax at 6% under v above would yield a revenue of Rs 61,034.

14. Under section 42, Bangalore Municipal Law 1897, a house scavenging tax may be imposed, but although a

change may be made in the form of its incidence, the tax is not likely to be made heavier than the present conservancy cess.

15. The sources of income above indicated would give an aggregate amount of Rs 125577 against a defi-cit of Rs 185078, thus leaving Rs 59501 still to be provided annually.

16. This latter amount does not however include any provision for

a) new works of any importance

b) staff for Fire Brigade

c) salary of medical officer

17. It is impossible to estimate requirements under the first of these heads as the works undertaken must always depend on the funds available, but it is undoubted that there are a very large number of works which are very desirable for the improvement of the Station, and it may be taken that from ~~15~~ 15,000 to 25000 Rs., or an average of Rs 20000, would be a very reasonable annual expenditure on such. In this connection, the general weakness of the establishment of the Works Department may here again be brought to notice. The present establishment charges of the department re-present 10% of the expenditure on works. whereas the general principle is to allow 20% of expenditure under Grant I for the establishment of the Works De-partment. In view of the largely increased duties likely to fall upon the establishment, it is considered that the same limit of 20% (which is frequently exceed-ed in Local Fund Establishment in Districts in the Madras Presidency) should be allowed for, in making general estimates, such as the present resource and liability estimate.

18. With regard to (b) above, the sum of Rs 600 has been entered in statement B in connection with Fire Engines, but this merely provides for contingencies and a small establishment to look after the hose & appurtenances. It is however considered that further provision will be necessary on account of the nucleus at all events of a Fire Brigade, and for telephonic communication with Police Stations, for both of which an estimate of Rs 2000 per annum does not seem exorbitant.

19. In reference to (c) above, provision will be necessary on account of (i) an increase to the pay of the Health Officer (Rs 300 per mensem at present) or (ii) for the pay of a medical officer. In the former case the salary may be stated at from Rs 300-Rs 600 per mensem as originally proposed, and this would mean an increase of Rs 2700 per annum, being 3/4ths of the difference between the minimum and maximum salary per mensem. If the payment to a medical officer is decided upon, the amount to be provided would be approximately the same.

20. Before concluding this note, it may be mentioned that the Sub Committee on Octroi referred to in para 12 supra have stated that in their opiniom the time for the abolition of the Profession Tax, which is viewed with much disfavor, has not arrived. In view however of the general revision of taxation now to be made, it is probable that this opinion may no longer stand; if it should not, the deficit to be made good from other sources would be increased by Rs 9886.

21. In consideration of the foregoing, and if it is desired that the affairs of the Municipality be conducted in a manner befitting the importance of the

Station, it is considered that a grant of at least Rs 100000 per annum will be required over and above the resources above indicated.

Ao. Rs - 236049
addl " - 125577
361626

Ao. est. 286135
addl est. - 185078
471213

deficit 109587 !

Showing Actual Receipts and Expenditure under various heads for thereof.

Heads of Receipts	Actuals for 1894-95	Actuals for 1895-96	Actuals for 1896-97	Average for three years ending 31st March 1897
Rates and Taxes				
Tax on Professions and Trades	15,835 " "	7,699 " "	13,622 " "	12,386 " "
Tax on Houses Buildings and Lands	48,916 " "	52,506 " "	51,974 " "	51,132 " "
Lighting Tax	11,896 " "	12,664 " "	12,528 " "	12,363 " "
Town Duties	47,130 " "	45,958 " "	43,799 " "	45,629 " "
Revenue derived from Municipal property &c	777			421 10
Rent of Lands and Buildings	10,807 " "	10,585 " "	11,045 " "	10,812 " "
Sale proceeds of Land	7,921 " "	" "	" "	2,640 " "
Fees	30,777 " "	31,773 " "	34,899 " "	32,483 " "
Produce of Lands	964 " "	1,127 " "	1,237 " "	1,109 " "
Sale of old Materials and Tools	228 " "	684 " "	867 " "	593 " "
Miscellaneous Licence and Registration Fees — Fixed Registration Fees	13,529 " "	13,014 " "	13,249 " "	13,264 " "
Miscellaneous Licence and Registration Fees — Licenses for Carriages	28,736 " "	31,237 " "	31,064 " "	30,346 " "
Miscellaneous Licence and Registration Fees — Sale of Beer & Arrack				
Miscellaneous Licence and Registration Fees — Other Miscellaneous Fees	7,465 " "	7,100 " "	6,264 " "	6,810 " "
Conservancy Receipts	6,025 " "	9,295 " "	20,657 " "	11,992 " "
Process Fees	741 " "	1,627 " "	1,613 " "	1,327 " "
Fines	2,142 " "	1,485 " "	1,623 " "	1,750 " "
Interest on Fixed Depts	200	194 " "	674 " "	356 " "
				1348 2
Grants and Contributions				
Government	45,540 " "	44,609 " "	46,939 " "	45,696 " "
Pensionary Contributions	2,171 " "	1,733 " "	2,372 " "	2,092 " "
	4771			1788
Miscellaneous				
Quarry Licenses	72 " "	72 " "	53 " "	66 " "
Fees under Hackney Carriage Rules	3,427 " "	3,407 " "	3,268 " "	3,367 " "
Cattle pound fees	1,777 " "	1,656 " "	2,120 " "	1,851 " "
Sale of copies of Municipal Regulations and Bye Laws	17 " "	1 " "	" " "	6 " "
School Fees	41 " "	65 " "	54 " "	53 " "
Town Duty Miscellaneous Receipts	96 " "	46 " "	26 " "	56 " "
Refund from expenditure of previous years	69 " "	3 " "	229 " "	100 " "
Extraordinary	133 " "	745 " "	2,686 " "	1,188 " "
	583			687
Total Receipts	286,255 " "	279,285 " "	302,862 " "	289,467 " "

three years ending 31st March 1897 and the average annual amounts

Heads of Expenditure	Actuals for 1894-95	Actuals for 1895-96	Actuals for 1896-97	Average for three years ending 31st March 1897
Public Works				
New Works	18,611 " "	28,184 " "	42,416 " "	29,737 " "
Repairs	41,478 " "	42,498 " "	55,242 " "	46,407 " "
Establishment	11,159 " "	4,007 " "	10,212 " "	8,459 " "
Tools and Plant	570 " "	726 " "	454 " "	583 " "
Miscellaneous	373 " "	296 " "	455 " "	375 " "
Education				
Grant-in-aid to Primary Schools	7,444 " "	7,726 " "	8,528 " "	7,899 " "
Building Grants	" " "	" " "	235 " "	78 " "
Sanitation and Medical Services				
Hospitals and Dispensaries	26,484 " "	27,659 " "	28,989 " "	27,711 " "
Vaccination	2,289 " "	2,708 " "	3,128 " "	2,708 " "
Registration of Births and Deaths	719 " "	1,193 " "	1,333 " "	1,082 " "
Conservancy	46,224 " "	51,676 " "	70,097 " "	54,332 " "
Chelsea and other Charges	" " "	2,867 " "	2,796 " "	4858 " "
Deputation of Surgeon Major R. Ross	" " "	" " "	10,924 " "	3641 " "
Laboratory	" " "	" " "	486 " "	162 " "
Miscellaneous				
Lighting	15,220 " "	12,289 " "	15,390 " "	14,300 " "
Markets	2,266 " "		2,225 " "	3,618 " "
Slaughter House	1,180 " "	3,542 " "	1,642 " "	
Maintenance of Avenues	306 " "	557 " "	417 " "	427 " "
Public Parks	2,054 " "	1,633 " "	1,941 " "	1,876 " "
Pounds	1,490 " "	1,484 " "	1,481 " "	1,485 " "
Hackney Carriages	2,258 " "	2,287 " "	2,296 " "	2,280 " "
Prosecution	1,502 " "	1,846 " "	1,611 " "	1,640 " "
Fire Engines	" " "	20 " "	18 " "	13 " "
Other charges	10,908 " "	11,790 " "	3,309 " "	8,669 " "
Charitable grants	3985 " "	4,160 " "	4,793 " "	4,313 " "
Acquisition of Lands	3,000 " "	520 " "	155 " "	1,225 " "
Supervision & Management				
Salaries of Officers	3,600 " "	7,215 " "	3,600 " "	4,805 " "
Head Office	8,081 " "	6,691 " "	8,582 " "	7,784 " "
Assessment and Collection	6,829 " "	8,921 " "	13,186 " "	9,669 " "
Town Duties	10,811 " "	11,316 " "	11,831 " "	11,319 " "
Pensions and Gratuities				
Pensions and Gratuities	86 " "	1,660 " "	959 " "	901 " "
Total Expenditure	223,997 " "	245,431 " "	308,641 " "	259,356 " "

Showing Average Annual Receipts and Expenditure with explanation shown as averages on Statement A

Heads of Receipts	Average receipts for 3 years ending 31-3-97 after deducting abnormal receipts &c			Remarks accounting for differences between this statement and statement A.
Rates and Taxes				
Taxes on Professions and Trades	9,886	"	"	- 2500 Military Profession Tax
Taxes on Houses Buildings and Lands	50,862	"	"	- 270 Government Buildings
Lighting Tax	"	"	"	- 2063 00
Town Duties	45,629	"	"	- 10,300 not leviable under Municipal Law 97
Revenue derived from Immovable Property &c				
Rent of Lands and Buildings	10,812	"	"	
Sale proceeds of Land	"	"	"	- 2640 There being no Lands for Sale
Fees (Slaughter House, Market, Bandy Stand, and Firewood Collections)	32,483	"	"	
Produce of Lands	1,109	"	"	
Sale of old Materials and Tools	593	"	"	
Miscellaneous Licenses and Registration Fees: Fixed Registration Fees	"	"	"	Omitted not leviable under Municipal Law 97
Miscellaneous Licenses and Registration Fees: Licence fees on Cutcherry Sale of Beer & Arrack	"	"	"	
Miscellaneous Licenses and Registration Fees: Other Miscellaneous Fees	6,810	"	"	
Conservancy Receipts	20,600	"	"	The actuals of 96-97 have been taken in this ca
Excise Fees	1,327	"	"	
Fines	1,750	"	"	
Interests on Fixed Deposits	356	"	"	
Grants and Contributions				
Government	45,696	"	"	
Pensionary Contributions	2,092	"	"	
Miscellaneous				
Quarry Licenses	66	"	"	
Fees under Hackney Carriage Rules	3,367	"	"	
Cattle Pound Fees	1,851	"	"	
Sale of Copies of Municipal Regulations & Bye Laws	6	"	"	
School Fees	53	"	"	
Town Duty Miscellaneous Receipts	56	"	"	
Refund from Expenditure of previous years	100	"	"	
Extraordinary	546	"	"	- 29 abnormal receipts 1894-95 (damages c camp post & wire fencing). - 400 abnormal receipts 1895-96 (Contribution for pumping wate from Sankey's Tank). - 1500 abnormal receipts (1000 Rs forfeited by late Lighting Contractor 500 Rs received from Miss Mulling).
Total Rupees	236049	"	"	

account for the differences between the amounts shewn herein and the amounts

Heads of Expenditure	Average expenditure for 3 years ending 31-3-27 after deducting abnormal expenditure &c			Remarks accounting for difference between this statement and statement A
Public Works				
New Works	13,469	"	"	— Rs 16,268 on account of works as per Statement attached.
Repairs	46,407	"	"	
Establishment	10,508	"	"	Being present sanctioned Establishment
Tools and Plant	583	"	"	
Miscellaneous	375	"	"	
Education.				
Grant-in-aid to Primary Schools	10,500	"	"	Being present sanctioned charges
Building Grants	78	"	"	
Sanitation and Medical Services				
Hospitals and Dispensaries	30,915	"	"	Being present sanctioned Charges
Medical — Vaccination; Registration of Births & Deaths	5,631	"	"	——— do ———
Conservancy	88,367	"	"	——— do ———
Tank Conservancy	1,594	"	"	——— do ———
Cholera and other charges	1,858	"	"	
Laboratory	"	"	"	Included under Medical
Miscellaneous				
Lighting	14,320	"	"	
Markets and Slaughter Houses	3,618	"	"	
Maintenance of Avenues	427	"	"	
Public Parks	1,876	"	"	
Pounds	1,485	"	"	
Hackney Carriages	2,280	"	"	
Prosecution	1,640	"	"	
Fire Engines	600	"	"	
Other Charges	5,629	"	"	+3,940 on account of charges as per Statement attached.
Charitable Grants	4,860	"	"	Being present sanctioned charges
Acquisition of Lands	1,225	"	"	
Supervision & Management				
Salaries of Officers	3,600	"	"	Being present sanctioned charges
Head Office	8,494	"	"	——— do ———
Assessment and Collection	12,228	"	"	——— do ———
Town Duties	12,408	"	"	——— do ———
Pensions and Gratuities				
Pensions and Gratuities	1,180	"	"	——— do ———
Total Expenses	286,135	"	"	

Statement of charges referred to in Statement B against Item of respective "Other charges" in column of Remarks.

Particulars	Cost		
1894-95			
Remuneration to the Municipal Valuator and Clerk, also carriage hire to the Municipal Commissioners in the revision of A. and L.R. and Profession Tax.	1,327	8	"
Extra Establishment for preparation of plant &c of the proposed improvement to the Bowring Civil Hospital	300	"	"
Commission to Mr S. Lescewich for the unconfirmed sale of ground in Sultanjee Guntah	182	8	"
Bonus to Mr Abdul Rahiman Saib, Valuator	300	"	"
Cost of Photo Zincographing the map of Civil and Military Station and City of Bangalore	904	8	"
Fee paid to Mr Todd for preparation of map of Bangalore	600	"	"
Cost of Lithographing 50 copies of plan and section of Main Sewer	105	12	"
1895-96			
Charges incurred in connection with the Reception of His Excellency the Viceroy and Governor General of India at Bangalore.	5430	1	5
Total for 3 years	9,120	5	"
Average for 1 year	3040	"	

Statement of works referred to in statement B against item of Estimate "New Works" in column of Remarks.

Names of Works Executed	Cost		
1894-95			
Pumping water from Sankey's Tank to 3 Reservoir	600	"	"
Alteration to Sheep slaughter House	3,934	14	10
Construction of toilet house for Municipal Parks and Gardens	1,416	11	6
Constructing sunshades to Shoolay Firewood Stalls	112	10	5
Construction of a Latrine in the Mayo Hall compound &c	714	6	10
Construction of Stables in the Mayo Hall compound &c	915	10	4
Construction of an office for the Collector of Municipal Taxes	1,840	9	4
Construction of a latrine and cubicles for cow-Shed	612	3	8
Construction of cinerators	404	15	6
Constructing a new wall, culvert, shed &c at the Public Band Stand	1,459	6	1
Fixing wire netting &c to the window of St Andrew's Clock Tower	95	8	0
Levelling Police Drill Ground	510	10	"
Improving Thumboo Chetty's Dispensary at the Bowring Civil Hospital	505	15	11
1895-96			
Forming new road for Conservancy Carts along Shoolay Main Sewer from Palm grove road to aqueduct No 1	303	4	1
Improving floor of verandahs and Stalls Mutton Market	708	"	2
Repairs to Division Offices Northern and Southern Divisions	1,808	11	7
Improvements to New Market by having a verandah at back of Fruit and Vegetable Stalls	2,446	6	0
Improving Beef and Egg Market	2,572	2	2
Constructing Butter Churning and Office rooms in the Cow Shed Victoria Park	613	3	9
Constructing Kitchen room in the Cow Shed, Victoria Park	133	14	"
Constructing firewood depot to Cinerators	304	13	8
Constructing 2 additional rooms in the Office of the Revenue Department Mayo Hall.	1,128	6	10
Dismantling and reconstructing Conservancy Overseer's Quarters on Coosoor Road.	1,303	7	6
Constructing a verandah in rear of Clock Tower, New Market	460	14	8
Alteration to Sheep Slaughter House	482	4	"
Constructing Milk Shed in new Market	614	1	4
Carried over Rs.	25,973	4	2

Brought forward Rs.	25,911		
1896-97			
Constructing Chultaum and Hospital for Pilgrims —	5,992		
Constructing Isolation Hospital attached to Bowring Civil Hospital	12,801		
Constructing a Room for peons on duty at the entrance gate of Bowring Civil Hospital	154	14	11
Constructing additional Dairy rooms to the Cow Shed	751	"	7
Improvements to Revenue office	1,088	13	8
Constructing water closets in the Egg Market	1,112	9	10
Constructing Flushing in Tank on Main Sewer	929	2	4
Total for 3 years	48,803	12	2
Average for 1 year	16,268	"	"

294/93.

RESIDENT'S OFFICE BANGALORE No. 3570 D/- 5-8-1897

No. 2198 with 20 Copies of the new Municipal Law of 1897.

CIVIL AND MILITARY STATION, BANGALORE,

MUNICIPAL OFFICE.

DATED 2d August 1897.

FROM

A. M. SLIGHT, ESQUIRE, I. C. S.

PRESIDENT, MUNICIPAL COMMISSION,

C. & M. STATION, BANGALORE.

draft submitted for approval.

10/8/97

To

The First Assistant
to the Resident in Mysore
Bangalore.

SIR,

I have the honor to request that, if convenient, 30 copies of your no: 3098 dated 28th ultimo may be supplied in order that each Commissioner and Heads of Branch Offices may be furnished with a copy.

2. The twenty copies of the Bangalore Municipal Law referred to in para 1 of the letter above quoted are herewith forwarded

294/93.

forwarded.

I have the honor to be,

Sir,

Your most obedient Servant,

T. Butler. Captain

for. President.

RESIDENT'S OFFICE.

2-24
73

Serial No.

[D R A F T].—For approval.

No. 3469 En 20

To

Dated 17 Augt 1897.

The President, Mil: Commission,
Ctm Station, Bangalore.

Sir

I am directed to forward herewith 20 copies of the office letter no 3098 of the 28th Ultimo, pointing out the more important changes in the ~~subject of the draft~~ Municipal Law, 1897, ~~regulation of 1866 for the Ctm Station~~, as requested in your letter no 2198 of the 2nd instant, & to state that no more copies of the letter are available.

I have &c

16/8.

for Chief Sec: to Resh.

Have only 5.46
20 Copies. 20 more to be sent & 10 returned.

S. 50

8.x.
10.8.97 M.

5 L

Dated 21st August 1897.

NO 3475-3476.

~~Draft~~ Notification.

In exercise of the powers conferred by section 46, clause (2) of the Bangalore Municipal Law, 1897, the Resident in Mysore is pleased to exempt all Military Officers or soldiers who are or may be from time to time employed on Military duty in the Civil and Military Station of Bangalore, from payment of any tax to the Municipal Commission on account of their profession as Military Officers or soldiers .

The foregoing exemption also applies to ladies of the Nursing Association employed on nursing duty in Bangalore.

By order.

Sd/- K. D. Erskine.
Captain.
1st Assistant Resident.

To

The Publisher, Gazette of India, for favour of publication in Gazette of India, Part II.

To

The President, Municipal Commission, Civil and Military Station.